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Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifteenth session

SUMMARY RECORD OF THE 296th MEETING

Held at Headquarters, New York,
on Tuesday, 23 January 1996, at 10 a.m.

Chairperson: Ms. CORTI

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ORGANIZATION OF WORK

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

96-80134 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Answers to questions on the combined initial and second periodic reports of Cyprus (CEDAW/C/CYP/1-2 and Supplement)

1. At the invitation of the Chairperson, Ms. Varnavidou (Cyprus) took a place at the Committee table.

2. Ms. VARNAVIDOU (Cyprus) conveyed her Government's apologies at the fact that the combined initial and second periodic reports of Cyprus (CEDAW/C/CYP/1-2 and Supplement) had not covered all the issues on which the Committee had requested information. There were stylistic inconsistencies in the reports because they were the collective work of several ministries, and she expressed regret that the work of the already overburdened Committee had been increased by the last-minute submission of the Supplement.

3. In response to the request for more detailed population statistics, she said that in 1994, the Government-controlled area of Cyprus had had a population of 633,900. No figures were available for the occupied area; prior to the 1974 occupation, Turkish Cypriots had accounted for 18 per cent of the population, but after the occupation many of them had fled the island in order to escape the illegal regime. However, some 19,000 settlers had been sent to Cyprus from Anatolia in order to change the island's demographic composition.

4. The Government shared the Committee's concern for the rights of women living in the occupied area where, according to available information, women's rights were not given sufficient attention. Since the Government had no access to that area, it was unable to help Cypriot women there, although Cypriot legislation theoretically applied to them and they would be able to benefit from those laws once the occupation ended. Cypriot women's organizations had attempted to meet with those women, but the occupying Government had not permitted it and meetings had been possible only abroad, most recently in Beijing.

5. With regard to the question of whether women could invoke the articles of the Convention in court, she said that under article 169 of the National Constitution, all women could now invoke the Convention, even though domestic legislation did not as yet provide for such an option.

6. With regard to the powers of the National Machinery for Women's Rights, she noted that some information had been provided in the Supplement. The Machinery consisted of a large number of women's voluntary organizations and trade unions, whose members were unsalaried, and of salaried government employees. The Government supported the Ministry of Justice and Public Order, which was responsible for the Machinery, and subsidized the non-governmental organizations associated with it. The Secretariat of the Machinery was not a separate

department within the Ministry; ministerial staff were seconded to it, as required, and it did not have its own budget.

7. The representatives of ministries and departments were no longer permanent members of the Council for Women's Rights, but they participated in it whenever issues were discussed which came within their areas of competence and interest. That change had been part of a move to reduce the size of the Council, in order to increase its flexibility and effectiveness as a pressure group for women's organizations. Subcommittees on specific issues allowed for the participation of representatives of other ministries; moreover, since the Council came under the aegis of the Ministry of Justice and Public Order, it had access to the Council of Ministers. The functions of the Council for Women's Rights were primarily advisory; it proposed amendments to existing laws, and any new legislation which concerned women was submitted to it for comment, even if it had been proposed by another ministry. Furthermore, representatives of the National Machinery were generally invited by the Government to comment on all issues under discussion. The success of the Machinery was evident in the many new laws which had improved the situation of women in the family and in the workplace.

Article 4

8. With regard to temporary special measures to increase women's participation in politics, the civil service and the labour market, a special committee, composed of representatives of the major political parties and women's organizations, had been established in an attempt to increase the number of women candidates for the upcoming elections and, should such candidates come forward, to publicize and support them. Quota systems for political parties were not being discussed for the moment. While the participation of women in Parliament remained very low, there had been some improvement in women's participation at the local level and it was hoped that women with local experience would later run for Parliament.

9. There had never been any gender-based salary discrimination in the civil service; all positions in the public sector were open to both sexes and were advertised as such. Women's level of participation was unsatisfactory but improving; for example, 16 of the 36 professional officers in the planning bureau were women.

10. Education played a major role in changing women's career choices, and career and vocational guidance services were now staffed by qualified counsellors. The Ministry of Education publicly encouraged women to enter the technical professions, and it was expected that future improvements in the education system would gradually reduce the gender gap in the workplace.

Article 5

11. With regard to the role of the Government, the National Machinery and the women's movement in changing social attitudes, she said that Cyprus had nearly completed the reform of its legal system and had eliminated most legal distinctions between the sexes. The country's new development plan emphasized the importance of changing traditional attitudes and stereotypes which prevented

women from taking their rightful place in society. The Government encouraged and supported educational programmes and awareness campaigns, which were usually run by the National Machinery or by individual or non-governmental organizations. Special attention was given to educating rural women by holding meetings and disseminating information.

12. With regard to the problem of violence against women, Cyprus was particularly proud of a new law which had been approved in 1994 and was now in force. The law gave fuller protection to the victims of violence, who were usually women and children, and, by increasing the penalties for violent crime in the home, sent a clear message that such acts were unacceptable. There were, as yet, few available statistics on the implementation of the new law, but the Association for the Prevention and Handling of Domestic Violence had seen an increase in the reporting of cases of domestic violence. There were no data available on the sentences imposed for such crimes, but the next periodic report would provide statistics. The new law acknowledged the possibility of rape within marriage, speeded up trials in cases of domestic abuse and allowed for the issue of an injunction prohibiting the accused from remaining in the marital home, even if he or she was the legal owner. It also appointed family counsellors to advise victims and report cases of domestic violence.

13. On the question of whether centres were available for victims of domestic violence, she said that the Association for the Prevention and Handling of Domestic Violence operated a crisis centre and a shelter for battered women, both funded by the Government, and offered first aid, counselling, legal assistance and a helpline.

14. There was a need to involve the mass media in the task of changing social attitudes. The participation of women at the decision-making level could have a great influence on organizations, and an attempt was under way to formulate a code of conduct which would guarantee respect for women and the promotion of their image in society.

15. She thanked the Committee for drawing her Government's attention to the inconsistency of providing more severe penalties for violence against married women than for violence against unmarried women. Those provisions were part of the pre-1960 Penal Code, and it was possible that they might originally have been motivated by the once-common practice of the abduction of young women by their lovers, with the women's cooperation, usually for the purpose of marriage. Her Government would study the situation to see whether the laws should be changed.

Article 6

16. With regard to the traffic in and exploitation of women, she referred the Committee to the Supplement for statistics on such crimes. The Government took the problem very seriously and was implementing strict measures to eliminate the traffic in women for purposes of prostitution. With regard to the question of whether the existing legal measures were effective, she said that the Government had taken steps which included limiting the number of visas issued to foreign cabaret and night club entertainers, in order to be sure that the recipients had been informed of the applicable national legislation and that their contracts

were acceptable to the authorities. Attempts were made to verify conditions of employment and investigate complaints. Unfortunately, such complaints were often withdrawn before action could be taken, or were subsequently repudiated by those who had made them. A new bill, currently before the House of Representatives, would regulate the professions of such entertainers, their agents and the owners of places of entertainment, and would require licensing of such establishments, their owners and their employees. Entertainers would be required to furnish evidence of a clean police record, and foreign nationals would receive copies of the applicable laws in their own language. Entertainers would be required to remain at their places of work until closing time and, thereafter, would be under no further obligation to their employers. If a woman filed a complaint, the police would be empowered to place her immediately in the care of the Department of Social Welfare Services, which would be reimbursed for her care by her employer at a rate no lower than her usual wages. The total number of licences issued to places of entertainment, and of visas issued to entertainers, would also be restricted. She noted that women who engaged in such work were generally from Asia or, in some cases, Eastern Europe. Between 1988 and 1992, the courts had heard 25 cases of trafficking in women, from which 20 convictions had resulted.

Article 8

17. Regarding women's participation in the diplomatic service, no specific measures had been introduced in respect of women diplomats, but they benefited from the same provisions as all other working women in terms of assistance in combining a career with family life. Those provisions included expanded child-care facilities, maternity leave and, most recently, the possibility of parental leave without pay, which applied only to civil servants. That reflected the Government's desire to act as a model for other employers. A few remaining discriminatory provisions in the conditions of service for diplomats, concerning matters such as rental subsidies and allowances, had recently been removed. A question had been asked about how many years' experience were required for a member of the diplomatic service to reach the rank of ambassador. The minimum number of years was 16 and was the same for both men and women.

Article 11

18. A considerable number of questions had been asked about the provisions of article 11, but many of them were answered in the Supplement. She was, however, able to provide certain additional information. In response to the query about child-care facilities, she said that the Department of Social Welfare Services was the official State agency for the provision and promotion of such services, and its policies were consistent with the provisions of the Convention on the Rights of the Child. With regard to incentives to industry to support the provision of child-care facilities, 50 per cent of the cost of constructing such facilities, and 30 per cent of the cost of furniture and equipment, were covered by government funding; that represented a substantial incentive.

19. Clarification had been requested regarding the achievement of equal pay for women. As the report pointed out, there had never been any discrimination in terms of pay or conditions of service in government jobs. Concerning measures to assist disabled women in their working lives, services for disabled persons,

such as vocational guidance and training and financial assistance for self-employment and for setting up small businesses, were provided equally to disabled men and women.

20. Part-time work was not widespread in Cyprus, partly because of the very low unemployment rate which the country had enjoyed for many years, and partly because of the way in which the production process was structured. None the less, because of the current acute labour shortage, steps were being taken to encourage part-time employment in order to utilize human resources which would otherwise not be used; that situation affected women more than men. For statistical purposes, part-time workers were considered to be those working less than 30 hours per week. In 1992, part-time workers, mainly women, had constituted 5.5 per cent of all employed persons.

21. Referring to the question on the competitiveness of the textile industry, she said that only a minority of production units in that industry were competitive globally. Pay scales in the textile industry in Cyprus were very high and had prompted a number of companies to relocate to other countries. Retraining programmes had been organized for workers who had been made redundant as a result. The Government had succeeded in keeping the unemployment rate below 3 per cent for a number of years. On the whole, women had not suffered greatly from unemployment problems; there had been a movement of women workers towards the service industries, where they had made up about 60 per cent of the workforce in 1994, as compared to 40 per cent in 1985.

22. Additional data had been requested on cases of work-related illness and death. There had been very few such cases; two fatal industrial accidents involving women had been reported during the past year, one in the food industry and one in road construction. As to the right to work, it was recognized as a fundamental right for both men and women. It was one of the Government's main priorities to encourage more women to enter the labour market. The retirement age was 63 for both women and men. Women were very active in the trade union movement, which was very powerful in Cyprus, and the Government was encouraging women to participate even more in trade unions and to move up into decision-making posts.

23. On the philosophy underlying the new laws on equal pay, the Committee had rightly pointed out that the interpretation of those laws was very restrictive, despite the ratification by Cyprus of ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, which called for a much broader interpretation. She noted that States which had ratified the ILO Convention were free to choose whether to implement it through legislation, regulations or collective agreement. It was her Government's policy that equal pay for work of equal value but of a different nature should be promoted by collective agreement. That was one of the most difficult parts of the ILO Convention to implement, and assistance had in fact been sought from the International Labour Organization, for example, in training Ministry of Labour personnel and trade union members. Consideration was being given to the establishment of an organization similar to the Equal Opportunities Commission in the United Kingdom, in order to facilitate the implementation of measures to achieve equal pay.

24. The problem of sexual harassment in the workplace had been discussed in Parliament and the Government had given consideration to ways of combating it. Women's organizations had been asked to submit their recommendations as to whether new laws were needed to tackle the problem, or whether it would be sufficient to amend the Penal Code. As a result, it had been decided that work should begin on a new law.

Article 12

25. A number of questions had been asked about health care. Medical treatment was provided free of charge to almost 75 per cent of the population, on a means-tested basis; it was financed by the Government and provided through State-owned hospitals and clinics. All forms of health care were covered, including the most elaborate and expensive surgery. There was no discrimination between women and men in that field. Questions had also been asked about the campaigns for early detection of cancer. The necessary additional information was provided in the Supplement. The campaigns had been very successful and had been universally welcomed by women's organizations. Clarification had been requested as to whether the figures for health care spending given in the report covered both private sector and public sector expenditure: only public sector health care expenditures had been included.

26. Regarding violence against women, a question had been asked about the reporting obligations of health care professionals. The victims of such violence were no longer obliged to report it directly to the authorities; they could do so through family counsellors, the police, welfare officers, the doctor who examined them, or in a number of other ways.

27. According to the Ministry of Health, contraceptives were used very widely in Cyprus. They were readily available from shops, kiosks and supermarkets, and were inexpensive. They were also sometimes provided free of charge in the context of sex education campaigns.

28. The main causes of death among women were cancer and heart problems. Statistics were available on the incidence of sexually transmitted diseases, including AIDS, and on other problems such as smoking. She would pass on those statistics to the Committee secretariat. Sex education in schools had existed in some form, since the 1960s. Under a new health education programme introduced in 1992, sex education was now compulsory and was incorporated in the teaching of the biological sciences and in certain cross curricular courses. The programme began in the fourth year of primary school. The school system in Cyprus was centralized and schools did not therefore enjoy autonomy as to the content and structure of curricula. Non-governmental organizations also provided lectures and educational materials on the subject of family planning. The term "sex education" was not actually used, since the subject was incorporated into a broader programme covering more general issues of relations between the sexes and psychological and social issues, including smoking and AIDS.

Article 14

29. Responding to the question on the number and amount of agricultural loans, she said that there were no legal barriers to women's ownership of land or property; 51.4 per cent of land in rural areas was owned by women, and they had equal access to credit opportunities. On the question of a special bank for women, there were currently no plans to establish such a bank. There were many rural credit-related associations in Cyprus which helped rural people in a number of ways including through the provision of loans, so that it was relatively easy for rural women to obtain credit when necessary. As to daily living and working conditions, rural women did of course work long hours; they were mostly occupied in crop and livestock production, whereas very few women were involved in forestry and fisheries. Women made up 45 per cent of the total population employed in agriculture; their role was all the more important because considerable numbers of men travelled to work in urban areas.

30. The importance of agriculture in Cyprus was gradually diminishing; it currently accounted for only 6.2 per cent of the gross domestic product, whereas in the past it had been the most important sector of the economy. The agricultural sector still provided employment for 35,000 persons, however, representing 12.2 per cent of the total economically active population.

31. Regarding the impact of business and tourism on the agricultural sector, she recalled that the tourist industry was very important for Cyprus. One positive development was that it was now possible for very poor people in isolated rural communities to obtain financing for the restoration of their homes for tourism purposes, or subsidies for the creation of small businesses. There was no discrimination against women in terms of who could benefit from such programmes. However, there was some concern that women might continue to find themselves in a subordinate position in such activities, despite the fact that their knowledge and experience made them highly qualified to engage in them. The Government was endeavouring to promote the establishment of women's cooperatives in rural areas, and a number of seminars had been held.

32. Women employed in the agricultural sector were covered fully by the social security system, except for self-employed women, who were not permitted to contribute to the system. The Government was aware that that situation was discriminatory and contrary to the laws of the European Union, and it intended to make the necessary changes in the very near future. The social pension scheme set up for women who had never had any other form of insurance and therefore were not entitled to any pension had mostly benefited housewives, but rural women were also covered and some of them had already benefited from the scheme. The social pension was financed by the Government and required no contributions from potential recipients.

Article 16

33. With regard to the government campaign to publicize the new Family Law, especially among women, she said that when meetings were held in rural areas, the major issues covered, in very simplified form, were family law, the legislation on employment and the protection of maternity, the social pension scheme and violence against women. The Minister himself was usually present at

such meetings in order to stress the importance of legal awareness among women, and men were encouraged to participate.

34. She had already indicated that there was no general scheme to provide legal aid to women; however, the Bar Association had a special fund to assist poor women, and some women's organizations also provided support to their members.

35. Her Government had not organized any special training in the new legislation for judges and family court officers; however, judges had been the first to identify the unfair treatment of women under the old law and to press for reform, and judges of the Supreme Court and other judges had been members of the committees established to prepare the new law. Efforts were being made to provide training to other officials through the Police Academy; lectures were given on the law concerning violence against women, so as to sensitize the police to that issue.

36. On the subject of maintenance, as indicated in paragraph 478 of the report, the law laid down specific requirements for entitlement to maintenance following separation or divorce. The new legislation introduced maintenance for the first time; prior to that, women had only been able to obtain child support, even if they had no source of income. Provision had been made for the award of maintenance for reasons of clemency, so as to enable the courts to take all circumstances into account and make a fair determination.

37. There were no provisions in the legal system for common law marriages. Children of such unions were considered to have been born out of wedlock and to be in the care of the mother.

38. On the question of why special family courts had been established for religious groups, she said that those courts had been established in accordance with article 111 of the Constitution, which gave minorities and religious groups the freedom to decide on matters having to do with family relations. The purpose of the legislation was to protect the identity of those groups, and for that reason the Greek Orthodox Church, Turkish Cypriots and also Armenians, Latins and Maronites were allowed to have their own family courts. The law had been prepared in close cooperation with those groups, which had been anxiously awaiting the establishment of the special courts.

39. The grounds for divorce were those laid down by the Church; article 111 of the Constitution added another ground, the complete breakdown of relations between the spouses, reflecting the new idea that if the spouses found living together unbearable they should be able to get a divorce.

40. Under the new law, after the breakdown of marriage, each spouse could claim a share of the matrimonial property proportional to his or her contribution to the increase in that property. If one spouse was unable to provide evidence of any such contribution, he or she was still entitled to one third of the property. A crucial new provision was that housework and child-rearing were now considered a contribution to marital property, along with care for the elderly and support for the partner.

41. The age of marriage was 18 years for both boys and girls. Although the Church allowed girls to marry at the age of 16, such marriages were not in conformity with civil law.

42. On the question of whether people were free to choose between civil and ecclesiastical courts, she said that the State recognized only the civil courts and did not recognize divorce by ecclesiastical courts. At the same time, the Church did not recognize divorce by civil courts. Those wanting to remarry through the Church had to go through both the civil and ecclesiastical courts.

43. The CHAIRPERSON expressed appreciation for the exhaustive replies provided by the representative of Cyprus, which gave a clear picture of the situation of women in Cyprus. She commended the steps taken to promote the participation of women in the decision-making process and requested additional information about efforts to eliminate violence against women. The problem of trafficking in women was clearly significant because of the country's geographical location; she suggested that, in addition to police efforts, such traffic should be combated through education. The new law on sexual harassment was a step forward and could help to break down some of the barriers and traditional attitudes to women.

44. She recommended that the Government of Cyprus should look carefully at the Convention and at the Committee's general recommendations and concluding comments, and expressed the hope that the next report would reflect even more progress in the status of women in Cypriot society.

45. Ms. VARNAVIDOU (Cyprus) assured the Committee that her Government would take careful note of its recommendations.

46. Ms. Varnavidou (Cyprus) withdrew.

ORGANIZATION OF WORK

47. The CHAIRPERSON said that it might be necessary to accelerate the work of the Working Groups, for example by setting up drafting groups to assist them.

48. Ms. SCHÖPP-SCHILLING said that, in the past, several experts had noted that the Committee had overburdened itself with work; at the current session, there had been more time to consider reports in depth, and that had benefited the constructive dialogue that was the Committee's main mandate. If the Working Groups were unable to complete the drafting of recommendations or new rules of procedure, she felt that their work should not be rushed. The Committee's recommendations were taken very seriously within the United Nations.

49. A procedural discussion followed, in which Ms. ABAKA, Ms. AOUIJ, Ms. BUSTELO DEL GARCIA REAL, Ms. JAVATE DE DIOS, Ms. GARCIA-PRINCE, Ms. HARTONO, Ms. SATO, Ms. SCHÖPP-SCHILLING and the CHAIRPERSON took part.

The meeting rose at 12.55 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifteenth session

SUMMARY RECORD OF THE 297th MEETING

Held at Headquarters, New York,
on Tuesday, 23 January 1996, at 3 p.m.

Chairperson: Ms. GARCIA-PRINCE (Vice-Chairperson)

later: Ms. CORTI (Chairperson)

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IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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96-80140 (E)

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In the absence of Ms. Corti, Ms. Garcia-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

1. At the invitation of the Chairperson, Ms. Heyzer (United Nations Development Fund for Women (UNIFEM)) took a place at the Committee table.

2. Ms. HEYZER (Director, United Nations Development Fund for Women (UNIFEM)) said that the Beijing Platform for Action had broken new ground in the area of women's human rights, by challenging Governments to achieve universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, to limit their reservations to the Convention and to withdraw those that were contrary to the Convention's purpose. Its recommendations that human rights bodies should include a gender-sensitive perspective on the human rights of women in their reporting and that the Committee should examine the progress Member States were making in implementing the Platform were most welcome.

3. The Platform for Action had articulated the commitment of the international community to the empowerment of women. UNIFEM's new programming focus was on the political and economic empowerment of women, and the main aim of its Economic Empowerment Programme was to increase women's access to and control over the means to make a living on a sustainable and long-term basis, and to enable them to receive the material benefits of such access and control.

4. UNIFEM's Political Empowerment Programme was intended to increase women's control over their lives within and outside the household and their ability to influence society. The human rights framework was a crucial element in understanding and addressing the obstacles to women's empowerment. It attached great importance to the use of such a framework which viewed the pursuit of sustainable human development as a fundamental human right. UNIFEM was committed to a process through which people learned respect for the dignity of others, and to working with the Committee to ensure that the Platform for Action was implemented.

5. She reaffirmed that UNIFEM would assist the Committee in raising public awareness of the Convention and support efforts to strengthen the Committee's work. As a part of that pledge, UNIFEM sought to integrate gender sensitivity into the work of all United Nations agencies. In July 1995, UNIFEM had therefore cooperated with the United Nations Centre for Human Rights in organizing an expert group meeting on the development of guidelines to incorporate gender perspectives in the human rights work of the United Nations. Several Committee members had participated in and brought valuable experience and perspectives to that meeting. The report of the meeting would be submitted to the Commission on Human Rights at its forthcoming session.

6. UNIFEM had collaborated with UNICEF to produce an advocacy and information kit on the Convention for use at the Fourth World Conference on Women; it had

been well received. At the Conference, UNIFEM had supported the work of the Committee, sponsoring the participation of 10 of its members at the NGO forum, and ensuring that the Convention and the human rights of women were discussed in all forums. It had also sponsored several panels on women's human rights and the Committee at both the NGO forum and the Government conference, and had shown how the Convention and the Convention on the Rights of the Child were complementary.

7. UNIFEM had recently collaborated with the International Women's Rights Action Watch (IWRAW) to review the Committee's achievements, identify the challenges currently facing it and enhance implementation of the Convention.

8. The momentum created by the Fourth World Conference must be sustained; efforts must be made to ensure that the international community guaranteed women's human rights by implementing the Platform for Action. UNIFEM was exploring partnerships with other United Nations agencies in order to promote the Convention: it was collaborating with UNFPA on issues related to human rights and reproductive rights, and with UNICEF on the possibility of using the Convention and the Convention on the Rights of the Child as the basis for a "bill of rights" for women and children.

9. There could be no sustainable human development until women were free to exercise their economic, social, cultural and civil rights. UNIFEM was therefore eager to continue promoting the Convention and to work for its universal ratification in order to improve the conditions of women's lives all over the world.

10. Ms. Corti took the Chair.

11. The CHAIRPERSON thanked the Director for her statement. Recent conferences had highlighted the important role played by women in development and society, and it was important that women should know that there was an international legal instrument to defend their rights. UNIFEM and UNICEF had both been instrumental in raising awareness of the Convention. UNICEF could perhaps do more and might consider introducing gender-sensitive perspectives into its work.

12. Ms. HEYZER (Director, United Nations Development Fund for Women) said that while the Beijing Conference had helped raise awareness of the Convention, more could be done in that regard. Cooperation between UNIFEM, the Committee and NGOs should make the Convention accessible to a larger number of women, and she reaffirmed the readiness of UNIFEM to provide all possible support. She agreed that since UNICEF had been instrumental in incorporating the Convention on the Rights of the Child into many countries' development strategies, it might do the same for the Convention.

13. Ms. ABAKA thanked the Director for her statement. She agreed that the Convention should be made more accessible, and would welcome more information on possible cooperation with UNICEF to enable the Convention to be translated into simple language or pictures which could be readily understood by women throughout the world.

14. Ms. ESTRADA CASTILLO said it was important to have a programme to raise literacy and legal awareness among women in the South American region. She said she would be willing to set up a link between the Committee and the regional office of UNIFEM.

15. Ms. GARCIA-PRINCE noted that, following recent changes in policy, UNIFEM was now willing to take risks with regard to such issues as empowerment and gender perspective. If gender were indeed central to the Platform for Action, UNIFEM should initiate activities which would help to create methodological guidelines for the adoption of gender policies. The Convention provided a legal framework, but there was a need for a link with public policy in terms of gender perspective. UNIFEM could perhaps provide such a link. Many of the obstacles to full implementation of the Convention, were legal rather than practical. That problem would remain, in the absence of methodological guidelines.

16. Ms. HEYZER (Director, United Nations Development Fund for Women) said that UNIFEM would do whatever it could to support the Convention. She was interested by the ideas on increasing accessibility of the Convention and the proposals to build on regional relationships.

17. Ms. Heyzer (United Nations Development Fund for Women) withdrew.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Paraguay (CEDAW/C/PAR/1-2 and Add.1)

18. At the invitation of the Chairperson, Ms. Muñoz and Ms. Prieto (Paraguay) took places at the Committee table.

19. Ms. MUÑOZ (Paraguay), replying to questions posed by members of the Committee, said that the questions asked reflected the Committee's legitimate concern over the problems faced by women in Paraguay. Despite its limited resources and the lack of international economic cooperation, the Government of Paraguay was committed to tackling those problems and, in that connection, would be receptive to the Committee's suggestions and even criticisms. However, there were also urgent political, economic and social needs to be addressed in other areas and it was often difficult to achieve national consensus on reforms that would primarily benefit women.

20. The Government had signed an agreement with the Inter-American Development Bank for the implementation of a programme of institutional strengthening in the 1996-1997 biennium in order to strengthen the Secretariat for Women and so that it would be better able to incorporate a gender perspective into national policies.

21. Turning to the specific questions relating to article 2 of the Convention, she said that the Secretariat for Women had been established by Law No. 34 of 1992 as an organ of the Presidency of the Republic to promote greater participation by women in the nation's political, cultural, family and social life within the framework of the Convention. It coordinated the activities of

the various ministries involved and ensured, through formal agreements with them, that their programmes reflected public policies related to women.

22. The Network of Women Town Councillors comprised women officials from the different towns. The Network carried out joint action and strategies for the advancement of women at the local level and sought to incorporate a gender perspective into municipal policies.

23. With regard to article 4, the Senate introduced amendments to the electoral laws requiring that women should account for at least 20 per cent of the electoral lists of political parties, most of which had introduced a quota system for women and a system of regional representation. Rural women, for whom no special mechanism existed, benefited from the system of regional representation which had enabled them to achieve a measure of influence in their peasant organizations. At the trade union level, the struggle of women for greater empowerment had led to the creation of a women's secretariat within the Central Unitaria de Trabajadores.

24. In addition, a system for compiling gender-disaggregated statistics had recently been introduced and all ministries were adopting it.

25. With regard to article 5, the implementation of the National Programme for the Equality of Opportunities and Results for Women in Education (PRIOME) was based on an agreement signed between the Secretariat for Women and the Ministry of Education. In addition, a National Plan for the Prevention and Punishment of Violence against Women had been established in 1994 to create greater awareness of the problem of violence against women. The Plan provided for special training programmes for police and health officials and sought to increase women's participation in the judiciary. The Secretariat for Women was currently compiling a register of complaints of acts of violence committed against women in the capital and three other cities. It was hoped that the register would ultimately cover the entire territory.

26. The Penal Code currently in force, which had been enacted in 1914, was generally acknowledged to be flawed in that it retained some of the characteristics of the traditional patriarchal system, one being that rape was considered more as an affront to a man's honour rather than as a violation of the human rights of the woman. Accordingly, the Code provided different penalties for rape, depending on whether the victim was married or single. It also characterized domestic violence as physical assault and did not consider sexual assault as a crime. The Secretariat for Women had submitted legislative proposals aimed at remedying those deficiencies. Work on a new draft Penal Code was already quite advanced; the new text provided for prison terms or fines for sexual assault, sexual coercion, defloration of a minor and rape. It also prescribed measures for the protection of maternal health.

27. Prostitution in itself was not a crime in Paraguay. However, trafficking in women and forcing anyone into prostitution was proscribed by Law No. 104 of 1991 which provided severe penalties for pimps and procurers. Unfortunately, the law was not always strictly enforced.

28. With respect to the traffic in girls, a practice which had received extensive press coverage, it was hoped that the current situation could be improved through legislative initiatives undertaken within the framework of the reform of the judiciary and the amendments to the Minors' Code, which were being carried out with the support of UNICEF. Paraguay had ratified the Convention on the Rights of the Child, although regulations governing the international adoption of minors had still to be improved.

29. With regard to article 7 of the Convention, there were, in all 1,600 women's committees throughout the country. They offered their members courses, in the Guaraní language, to educate them about their rights as citizens and also Spanish classes. According to the Constitution, Paraguay was a multicultural and bilingual country whose official languages were Spanish and Guaraní. Education was provided in both languages and official documents were also printed in the two languages.

30. Regarding article 10, there was no discrimination between males and females in terms of access to education: in primary school boys accounted for 52 per cent of the children, girls 48 per cent; in secondary school the figures were 49 per cent 51 per cent respectively. Those differences were attributable to socio-cultural patterns under which girls often remained at home while boys received an education to prepare them for the responsibilities of supporting a family. The National Programme for the Equality of Opportunities and Results for Women in Education was an effective tool for overcoming discrimination against women in education.

31. There was an international dimension to the question of the migration of women to urban centres, since more than 9 per cent of the population of Paraguay had migrated in recent years to Argentina. Many were women in search of domestic work and, unfortunately, many of them were lured into prostitution by unscrupulous pimps.

32. On the question of maternal and child health, the new Constitution provided for individuals to decide freely and responsibly the number and spacing of their children. Disadvantaged populations benefited from special programmes in reproductive and maternal health. The National Council for Reproductive Health and Family Planning had been established in 1994 to implement maternal and child welfare and family planning programmes.

33. Turning to article 11 of the Convention, the new Labour Code provided that remuneration for domestic work should not be less than 40 per cent of the minimum wage. In addition to cash wages, domestic workers also received food and board; they were covered by social security legislation.

34. Under article 12, the Government provided adequate resources for the effective functioning of the National Council for Reproductive Health and Family Planning, which also received financial support from various international agencies. Nevertheless, only 63 per cent of the demand for family planning services was currently being met. Adolescent single mothers also benefited from special social welfare services; however, many children were unwanted, thereby contributing to the phenomena of national and international adoptions and the existence of street children. The establishment of the National Child Welfare

Centre (CENADI) with assistance from the Government and from non-governmental organizations was an attempt to deal with that problem.

35. Children born out of wedlock enjoyed the same rights as those born in wedlock. The Civil Code also granted individuals the freedom to determine the spacing of their children and the right to receive proper medical advice from State institutions.

36. Abortion was punishable under the law. As a result, however, women resorted to illegal abortions, often with fatal consequences. One of the aims of the National Council for Reproductive Health and Family Planning was precisely to increase preventive measures, thereby reducing the rate of maternal mortality due to abortions.

37. The punishment for the crime of infanticide under the Penal Code was much lighter than that provided for homicide, an anomaly which could be traced to the belief that honour was more important than the life of an individual. The draft Penal Code, which was expected to be promulgated early in 1996, sought to remedy that situation.

38. On the question of HIV/AIDS, Law No. 102 of 1991 prohibited any form of discrimination against persons infected with the HIV virus and prescribed measures for preventing the transmission of the virus.

39. With regard to article 14, rural women had become involved in peasant movements, including at the leadership level. Indigenous women were also seeking to become better organized, although their efforts so far were focused on seeking recognition of their rights as distinct ethnic groups. Paraguay's indigenous population received special protection under the Constitution and Law No. 904 of 1981. Nevertheless, they were more frequently victims of violence and exhibited higher incidence of health problems.

40. On the subject of land ownership, women in Paraguay had the right under the National Constitution to own and administer land. The Constitution also provided for the granting of assistance to peasant women, particularly heads of households, for the participation of women on an equal footing with men in agrarian reform, for training for farmers and their families to enable them to play a more effective role in national development, and for the promotion of organizations which defended the economic, social and cultural rights of peasant populations. In seeking to meet the demand for land on the part of peasants and indigenous populations, however, the Government faced formidable difficulties which could be traced to the country's long history of social injustice. As far as expropriation was concerned, the legislature had enacted a number of laws expropriating private property for the benefit of rural dwellers. The implementation of those policies, however, often gave rise to conflict between landowners and landless peasants. In order to coordinate its social and agrarian policies, the Government had created a Secretariat for Social Action.

41. Concerning article 15, there was no legal barrier to the entry of women into the military and police forces. Indeed, the number of women entering the police force was steadily increasing.

42. With regard to article 16, both the National Constitution and the Civil Code provided that women and men should enjoy the same rights of inheritance. Similarly, in cases of divorce, the rights of the two spouses were identical for purposes of the equitable distribution of assets. Common-law wives also enjoyed those same rights in the event of separation from their partners.

43. Information on the representation of women in the administration of justice system of Paraguay was contained in the addendum to the initial and second periodic reports of Paraguay (CEDAW/C/PAR/1-2/Add.2).

44. Turning to the question of how she, personally, felt as a member of a Government largely dominated by men, she said that it was important for women to use all possible forums to make their voices heard and to ensure that the gender perspective was taken into account by policy makers. It was impossible for a country to progress without the contribution of one half of its population.

45. Ms. AOUIJ said that legislation was often a major instrument of change in building a modern State, and it could be a very important factor in Paraguay, where women still had an inferior role. It was her hope that, by the time Paraguay submitted its next report, the Parliament would have adopted a new penal code.

46. Ms. MUÑOZ said that the new draft penal code would soon be submitted to a Parliamentary Commission, and then to the plenary. The expectation was that it would be adopted some time in 1996.

47. Ms. JAVATE DE DIOS said that the next report should contain more statistics and information on actual measures taken to combat traffic in women for prostitution. She had also heard some disturbing reports regarding trafficking in minors in the context of international adoption, which usually involved international syndicates. More information on that topic would also be welcome.

48. Ms. PRIETO (Paraguay) said that initially, international adoption had indeed shown some aspects that could be characterized as "trafficking", and was still not adequately regulated. However, steps had been taken to improve adoption practices. Approximately 600 children had been adopted internationally from Paraguay in 1994.

49. The CHAIRPERSON commended the delegation of Paraguay for its efforts to provide an overview of the situation of women in Paraguay in a global human rights context and expressed appreciation for the efforts that were being made to incorporate the gender perspective in policies at all levels. It was encouraging to note that the new penal code was nearing completion and that progress had also been made in education, family planning and health care. The Government appeared to be very sensitive to the double discrimination often suffered by rural women, and its programmes to provide them with vocational training and education seemed useful. In view of the forthcoming United Nations Conference on Human Settlements, it would be worthwhile examining the extent of discrimination against women in the area of housing.

The meeting rose at 5 p.m.

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Fifteenth session

SUMMARY RECORD OF THE 298th MEETING

Held at Headquarters, New York,
on Wednesday, 24 January 1996, at 10 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second periodic reports of Iceland (continued) (CEDAW/C/ICE/1-2)

1. At the invitation of the Chairperson, Ms. Asgeirsdottir and Ms. Thorkelsdottir (Iceland) took places at the Committee table.

2. Ms. ASGEIRSDOTTIR (Iceland), replying to questions asked by members of the Committee, said that the request for more statistical information and for information on non-governmental organizations had been noted; information would be provided in the next report.

3. Human rights instruments ratified by Iceland did not automatically become part of national legislation. However, the European Convention on Human Rights had been incorporated into the country's national legislation. Iceland did not intend to incorporate the Convention into Icelandic law, since the authorities felt that the recent changes to the Constitution and the 1991 Law on the Equal Status and Equal Rights of Women and Men were adequate in that respect.

4. Iceland's report had not been published. Two of the largest women's organizations in Iceland were represented on the Equal Status Council, which had been formally invited to comment on the draft report.

5. In December 1995, the Ministry of Foreign Affairs had invited the Nordic and Baltic countries to a seminar on the implementation of the Beijing Platform for Action in a national, Nordic and international context. No decisions had as yet been taken about implementation in Iceland. The publication in Icelandic of an abridged version of the Platform for Action, concentrating on the chapters relevant to Iceland, was being considered. The Four-Year Plan of Action for Measures to Establish Equality between Women and Men, to be adopted in 1997, would no doubt be influenced by the Platform for Action.

6. Ms. THORKELSDOTTIR (Iceland) said that the Four-Year Plan of Action for 1991-1995 had been drawn up without input from Parliament. In 1993, as a result of the adoption of the Law on the Equal Status and Equal Rights of Women and Men, the Plan of Action had been amended because of the new requirement that it be adopted by Parliament. The current Plan of Action, for 1993-1997, was currently being evaluated. The Minister for Social Affairs would submit an evaluation report and possible amendments, which would have to be adopted by Parliament. The Plan of Action was based on proposals from the different ministries, and each ministry was answerable to Parliament and the public for it sector.

7. The Complaints Committee dealt with sex discrimination cases, mostly concerning the labour market. Cases of violence against women were police matters. The Complaints Committee could initiate legal proceedings to secure compensation. The cost of such proceedings was covered by the Government. It

was true that only a few equal pay cases had been brought before the Complaints Committee, but such cases could not always be resolved at the individual level; general measures were needed. The small size of Iceland's population was also a factor. There were no current plans to establish an equality ombudsman, but the idea had been put forward on several occasions.

8. The Icelandic authorities were currently considering a number of ways and means of ensuring equal pay for women. In March 1995, a special committee had been set up by the Minister for Social Affairs to deal with the problem, and had focused mainly on job evaluation. Under its policy platform, the Government was committed to according priority to equal pay.

9. On the question of temporary special measures to ensure equality between the sexes, in addition to the Four-Year Plan of Action, there were various projects dealing with women in rural areas. The special women's loan guarantee fund to enable women to start their own businesses had been established in 1995, so that it was not yet possible to provide additional information.

10. Very few men had actually taken parental leave, possibly because they derived their right to such leave from the mother's maternity leave; the law was currently being revised to ensure men an independent right to paternity leave.

11. The Equal Status Council consisted of seven members appointed after each parliamentary election. The Minister for Social Affairs appointed the chairperson, and the other members were appointed by employers', workers' and women's organizations. The Council's main function was to serve as an advisory body to the Ministry of Social Affairs. The Office of the Council was a government agency; it supported the Complaints Committee, an independent body, and operated as a national centre for information on equality matters. The Council did not have a separate budget, but the office did.

12. The new law on compensation for victims of violence would not go into effect until mid-1996; information on its implementation would be provided in a future report.

13. Ms. ASGEIRSDOTTIR (Iceland) said that no educational programmes on human rights and international conventions were currently organized for judges, but that the idea would be put to the Ministry of Justice. The Four-Year Plan of Action did prescribe special courses for the police.

14. Under the Law on the Equal Status and Equal Rights of Women and Men, advertisers had to ensure that advertisements were in no way derogatory or humiliating to either sex. There was active cooperation between the Equal Status Council and the Union of Advertising Agencies. One article of the code of practice for advertising agencies was concerned with sex stereotypes.

15. The Women's Shelter was run by non-governmental organizations, but financed by the State (60 per cent) and by municipalities. There were no plans for the State to run such a shelter.

16. The maximum penalty for rape was 16 years. The number of rapes was not proportionately higher than in neighbouring countries, but every case of rape was regarded as a very serious matter.

17. Women constituted 21 per cent of lower court judges and 11 per cent of Supreme Court judges. The proportion of women graduating from the Faculty of Law of the University of Iceland had increased from 13 per cent in 1975 to 54 per cent in 1989. A woman judge of the Supreme Court had been the first chairperson of the Equal Status Council.

18. The target of 30 per cent representation of women in public committees was set in the Four-Year Plan of Action. According to the Law on Equal Status and Equal Rights, an approximately equal number of women and men had to be appointed to those committees. So far, that provision had not proved very effective, but there had been no political majority in support of proposals to strengthen it.

19. The Women's Party had entered the political scene in 1983, when three of its candidates had been elected to Parliament, but it had never been in office. Its platform described the party as being neither to the left nor the right, but a feminist party.

20. Iceland had provided detailed information and statistics on education in its national report to the Fourth World Conference on Women. Over a very short period, the number of women graduating from universities had surpassed the number of men. Women accounted for 73 per cent of teachers at the compulsory level, but 72 per cent of headmasters were men.

21. A women's studies centre had been established at the University of Iceland in 1990. It carried out research and distributed information on women's studies and cooperated with other such centres in Iceland and abroad. Its board consisted of six women, each appointed for a two-year term. Iceland was a member of the Nordic Institute for Women and Gender Studies, founded in 1995.

22. One of the tasks of the working group within the Ministry of Education was to study equal rights education in schools. Several projects had been initiated for teaches and students. The question of special projects for women re-entering the labour market had been discussed in Iceland, but it was felt that available courses covered the needs that existed. Special attention was being given to the unemployed, and there was a pilot project aimed specifically at unemployed women with little formal education. The length of the school day in compulsory education was four to six hours. Most municipalities offered children under the age of nine the possibility of spending the whole day at school.

23. The latest statistics on women and employment would be provided in the next report. The total unemployment rate for women was higher than that for men. According to the Statistical Bureau of Iceland, the unemployment rate among women in 1994 had been 10.1 per cent for the 16-24 year age group and 4.8 per cent for the 25-64 year age group. The unemployment rate for women was 6 per cent in rural areas, 5.2 per cent in small towns and 5.6 per cent in the Reykjavik area. It appeared that women with small children did not have a lower rate of participation in the labour force. According to statistics for 1992,

65.8 per cent of women between the ages of 20 and 29 participated in the labour market, 77.1 per cent of those between 30 and 39, 89 per cent of those between 40 and 49, 85.1 per cent of those between 50 and 59 and 62.9 per cent of those between 60 and 69. It should be noted that part of the 20 to 29 age group was pursuing higher education, and that the fertility rate among Icelandic women was one of the highest in Europe.

24. Regarding the length of the working week, it should be borne in mind that, despite its small population, Iceland had to maintain the same infrastructure as neighbouring countries; that required the active participation of the entire population. Although there was some unemployment, that had not relieved the heavy workload in many sectors. Part-time workers were mostly married women; men worked longer hours outside the home, more and more men, especially younger men, were objecting to long working hours.

25. It could be assumed that single parents worked full time. In order to enable them to participate fully in the labour force, preschool centres gave priority to children of single parents. It was still not possible for the municipalities to offer preschool places to every child.

26. The main trade unions were participating in the working group on job evaluation, which was in the process of presenting its first report.

27. No studies had been made to evaluate unpaid work. Some women's organizations had felt that such studies might have a negative effect. There had been no studies on the reasons for women's increased participation in the labour force either. However, financial independence for women was seen as one of the basic factors of equality, and the level of education among women had risen in the past decade. Moreover, two breadwinners were often needed, particularly among unskilled workers, bearing in mind also the relatively large size of families in Iceland.

28. On the question of minimum wages, employers and employees negotiated wage rates. The law prescribed that wage agreements between the parties must be respected and that the agreed wages and other terms must be regarded as minimum rates, regardless of the sex, nationality or term of appointment of wage-earners in the relevant occupation. Contracts made between individual wage-earners and employers on less favourable terms than those specified in the general wages and terms agreement were null and void.

29. Women's groups had pointed out that one of the explanations for the difference in salaries between men and women was that women's jobs were undervalued. The job evaluation project would determine whether traditional women's jobs were evaluated at a lower level than comparable work carried out by men. More information would be provided in future reports.

30. Part-time workers were entitled to the same holidays and paid sick leave as full-time workers and received proportional pay and salary-based benefits according to their working hours; thus, they were not discriminated against. In order to receive unemployment benefits, an individual had to have worked for a minimum period. Women, whether employed or not, received six-months' maternity

allowance; additional daily maternity benefits were granted to all employed women and were higher for women who had held full-time jobs.

31. Up to the end of 1994, a total of 91 individuals had been diagnosed with human immunodeficiency virus (HIV) in Iceland; 14 women and 77 men; 16 per cent were heterosexual. The rate of new cases was 13.2 per 100,000 inhabitants. The number of cases had not risen as fast as had been expected. Information on acquired immunodeficiency syndrome (AIDS) and modes of transmission was provided in schools and workplaces.

32. There were no statistics on drug abuse for Iceland as a whole. According to information from the largest drug treatment clinic, about one third of those who received treatment for drug abuse and alcoholism were women. For both men and women, the largest age group was between 20 and 40 years of age. Problems related to drug abuse and alcoholism were dealt with very openly in Icelandic society. Special attention was given to women and their needs, and since 1995 the clinic had offered women special treatment in women's groups.

33. Concerning mental health, 5.4 per cent of persons hospitalized in Iceland were diagnosed as mentally disturbed. Up to the age of 65, the majority were men because alcoholism, which was included in that category, was more common among men, but after the age of 65, women were more prone to mental disturbance than men.

34. In 1992, the abortion rate had been 12.4 per 1,000. There was no limit on how many abortions a woman could have. Abortions took place in hospitals and were performed free of charge. Contraceptives were not provided free of charge.

35. According to the Director-General for Health, medical research was not sex segregated unless that was deemed necessary, for example, if an increase in a particular disease was noted specifically among men or among women. An Icelandic cancer registry had been in operation since 1954. All women over 25 years of age were invited to undergo cancer screening every two or three years, depending on age.

36. Foreign citizens accounted for 2 per cent of the total population of Iceland, and increased attention had been given to immigrant women in recent years. Whereas, in the past, most immigrants had originated in Europe, the majority now came from Asia. The Ministry of Social Affairs had issued a leaflet entitled "Icelandic Law and Icelandic Society", aimed primarily at women and the Ministry of Education had increased its emphasis on teaching Icelandic to new immigrants and on providing special courses which were attended jointly by immigrant mothers and their children. When an immigrant woman first visited a health clinic, she was informed of the services available. An interpreter was available, although most women preferred to bring along a family member or friend, and the children of recent immigrants saw the same doctor each time they visited a clinic.

37. Statistics on mortality were provided in appendix 4, which had been circulated.

38. The Icelandic Government recognized the special problems of rural women and had taken special measures to improve their situation, as indicated in the Four-Year Plan of Action for Measures to Establish Equality between Women and Men. The oral presentation of the initial and second periodic reports had described the special women's fund for employment, whose projects included the hiring of women employment consultants. A newsletter produced by a rural women's networking group provided information on employment opportunities. The Technological Institute of Iceland offered courses for women who wanted to start their own businesses. Appendix 5 provided population statistics; in 1994, the female population of Iceland had been 133,002, of whom 10,492 had been living in minor localities and rural areas. Employment opportunities were more limited for rural women than for urban women; fish factories, agriculture-related industries, hospitals and centres for the elderly or the handicapped provided the majority of jobs.

39. Icelandic inheritance law made no distinction between the sexes. Divorce law divided property equally between the husband and wife; in cases where custody was awarded to one parent, that parent did not receive a larger share of the communal property unless the couple agreed to it. However, the non-custodial parent paid a monthly allowance for each child, for which the Government set the minimum amount and guaranteed payment. The minimum age for marriage was 18 for both sexes, although the Ministry of Justice could grant special permission for marriage to minors who were at least 16 years of age; both parties must request such permission, the usual reason being that the couple already had or were expecting a child.

40. Husbands and wives were taxed separately and everyone over the age of 16 was entitled to a personal deduction, of which up to 80 per cent could be transferred from a non-working to a working spouse, thereby lowering the tax burden on the family. Unemployment benefits were calculated on an individual basis, without regard to the income of the spouse, although the minimum benefit was higher for married persons and a fixed sum was added for each child. Everyone over the age of 67 received a basic pension, which was supplemented for those who did not have occupational pension rights; the income of the spouse was the determining factor in whether a supplement was paid.

41. Ms. SCHÖPP-SCHILLING asked how much evidence was required from women who brought cases before the Complaints Committee. It appeared that in Iceland, the burden of proof was on the employer, which was not the case in most European countries.

42. Ms. THORKELSDOTTIR (Iceland) said that the burden of proof was on the employer and that there were no rules governing the amount of information which the woman filing the complaint must provide. To date, no case had been rejected on grounds of insufficient information. In the national courts, however, where few such cases had as yet been tried, it was for the judge to assign the burden of proof.

43. Ms. SCHÖPP-SCHILLING asked whether a woman who came to the Women's Shelter in such distress that she was unable to work, or who had no income of her own, would be entitled to welfare benefits or some other form of income support. In countries where women in that situation automatically received welfare benefits,

that had been viewed as discriminatory since not all battered women necessarily required such assistance.

44. Ms. THORKELSDOTTIR (Iceland) said she supposed that a working woman in such circumstances would take sick leave. There were various provisions for non-working women; the Shelter paid for the transportation of women from rural areas to the Shelter, and free legal advice was available. Non-working women had the right to apply to the social welfare office for assistance, which Icelandic society did not view as degrading.

45. Ms. ASGEIRSDOTTIR (Iceland) said that new social welfare services had placed the former welfare system and that they varied by municipality, of which Iceland had over 170, that was a very large number for such a small country and one case of domestic violence could place a great financial burden on a small rural municipality, but Parliament was reluctant to mandate the type of social services that must be provided. Recourse to social services was not viewed as degrading, but rather as part of the rights and obligations of all taxpayers. The social welfare offices were staffed primarily by women and had their own network of complaints bureaux.

46. Ms. ABAKA applauded the support provided for immigrant women, which was typical of the advanced attitudes of the Nordic countries. However, she felt that it would be useful to inform immigrants of acts which constituted violations in Iceland but might have been permitted in their countries of origin.

47. Ms. JAVATE DE DIOS said that she shared Ms. Abaka's concern for immigrant women, who were usually of Asian origin. She asked whether information was available on how many of those women married Icelanders, whether such marriages sometimes occurred through mail-order bride arrangements or matchmaking agencies, and whether the latter services were legal. She hoped that the next report would provide information on the measures being taken to prepare immigrant women for socio-economic integration into Icelandic society; that was particularly important in crisis situations, where immigrants were more vulnerable than Icelandic women.

48. Ms. MÄKINEN praised the Government of Iceland for organizing a follow-up seminar to the Beijing Conference, at which the Baltic countries, Greenland and the Faeroe Islands had been invited to share the experience of the Nordic countries in organizing women's machinery and implementing the Platform for Action. The presence of the President of Iceland, herself a woman, had demonstrated the country's interest in women's affairs.

49. Ms. SCHÖPP-SCHILLING said that she was pleased that women's studies were now part of the curriculum at the University of Iceland. She suggested that efforts should be made to establish a link between the women's studies centre and the teacher training programme, in an effort to translate research into practical action. The resulting improvement in attitudes towards women would filter down into the schools, making special educational projects unnecessary.

50. Ms. ASGEIRSDOTTIR (Iceland) said that, in the past 10 years, several hundred immigrants, mostly women, had come to Iceland from Asia. Many of them

had married Icelandic men, and the Government had conducted studies to determine how many such marriages were arranged by mail or through agencies. A few years previously, the immigration authorities had begun demanding proof of a prior relationship between the parties. The number of male immigrants was rising rapidly; some brought their families with them, while others had families after arriving in Iceland. The wives of such immigrants were eligible for pregnancy-related health services and child care, which tended to establish a relationship of trust. The Government had issued a leaflet on citizenship, society, government policy and other such matters but, although it was available in several languages and had been written with care, it had proved too difficult for many immigrants to understand. The Red Cross had offered several one- to two-day seminars to inform immigrants of their rights and obligations in Icelandic society, but those who most needed such information were least likely to attend and could not be forced to do so. The Red Cross had been invited to give the seminars because the Government felt that they might be better accepted if offered by a non-governmental organization. The Government was also aware of the importance of enabling immigrants to preserve their own way of life while adopting Icelandic ways; it had little experience in that area but looked to the other Nordic countries for models. Iceland, Greenland and the Faeroe Islands had set up cooperative arrangements in several fields, including women's issues.

51. Ms. THORKELSDOTTIR (Iceland) said that in 1992, Iceland had sponsored a forum for women from Iceland, Greenland and the Faeroe Islands in preparation for the Beijing Conference.

52. With regard to women's studies, she said that attempts were being made to mainstream women's issues into the work of many university departments.

53. The CHAIRPERSON said that the Committee was pleased at the thoroughness of Iceland's responses to its questions, particularly as Icelandic policy was very advanced in the field of women's affairs. Of course, it was easier to implement the Convention and take other measures to advance the status of women in a small country than in a large one, but political will was also necessary in order for change to take place. It was clear that political will was not lacking in Iceland, whose woman President remained active in the Council of Europe, one of the most advanced organizations in Europe in terms of its treatment of women's issues.

54. She was pleased that the national machinery was becoming more efficient and that Iceland was working closely with, and following the example of, the other Nordic countries. For that reason, she found it surprising that Iceland had yet to follow the Swedish example of establishing an equality ombudsman; she hoped that it would do so in the future.

55. She congratulated Iceland on its progress in the face of the economic difficulties experienced throughout Europe, and on the temporary special measures which it had implemented to improve the status of women. However, it appeared that those measures did not go far enough and that there was still resistance to the presence of women in decision-making bodies, especially in politics.

56. While women's studies were very important, she felt that now that they were established at the university level, greater emphasis should be placed on human rights education. She also felt that more attention should be given to the human rights treaty bodies. The Icelandic Government had played an active role in all recent world conferences, especially those held at Vienna, Cairo and Beijing, but despite the Government's evident commitment to human rights, the related instruments had not been incorporated into domestic legislation.

57. Ms. Asgeirsdottir and Ms. Thorkelsdottir (Iceland) withdrew.

REPORT OF THE CHAIRPERSON ON THE ACTIVITIES UNDERTAKEN BETWEEN THE FOURTEENTH AND THE FIFTEENTH SESSIONS OF THE COMMITTEE AND CONSIDERATION OF THE REPORT OF THE SIXTH MEETING OF PERSONS CHAIRING THE HUMAN RIGHTS TREATY BODIES AND ACTION TAKEN BY THE GENERAL ASSEMBLY CONCERNING TREATY BODIES (continued)

58. Ms. BUSTELO GARCIA DEL REAL, reporting on the activities of the Committee on Economic, Social and Cultural Rights during 1995, and particularly on its twelfth and thirteenth sessions, said that that Committee's sessions had lasted a total of six weeks, during which it had considered the initial reports of Algeria, Mauritius, the Philippines, the Republic of Korea and Suriname; the second periodic report of Portugal; and the third periodic reports of Colombia, Norway, Sweden and Ukraine.

59. The Committee had also considered a detailed report on a special technical mission sent to Panama to gather information on the implementation of the right to housing, with particular reference to the consequences of the bombing which had taken place at the time of the United States invasion and to the Government's forcible eviction of squatters.

60. The Committee had adopted a General Comment on the economic, social and cultural rights of elderly people, including the special needs of elderly women, and had recommended that States parties should establish non-contributory pensions for persons who would otherwise have no pension entitlement.

61. At each of its sessions, the Committee devoted a day of general discussion to a particular topic. The topics discussed in 1995 had been the obligations of States parties under the International Covenant on Economic, Social and Cultural Rights and the content of a possible optional protocol to the Covenant. No clear consensus had, however, emerged regarding the wording of the optional protocol.

62. As a result of the outcome of the Fourth World Conference on Women and other recent international conferences, almost all the concluding observations of the Committee on Economic, Social and Cultural Rights now contained a section on women's rights, emphasizing those aspects which seemed to it to run counter to the enjoyment of those rights.

63. Ms. AOUIJ said that the Committee on Economic, Social and Cultural Rights was of the utmost importance, especially for developing countries. The promotion of development was essential for the prevention of conflicts and the consolidation of social peace in those countries. The greatest difficulty lay in the financing of development; she wondered what international institutions

such as the World Bank and the International Monetary Fund were doing to help countries in difficulty, especially when those countries were expected to observe international standards of respect for economic and social rights, and whether the Committee on Economic, Social and Cultural Rights took account of the difficulties of financing development activities. She requested information on the recent establishment of an ad hoc body on the right to development.

64. Ms. BUSTELO GARCIA DEL REAL expressed confidence that the Committee on Economic, Social and Cultural Rights was fully aware of the financial difficulties faced by developing countries in their attempts to fulfil their obligations under the Covenant. The mission to Panama had been of particular importance in that respect, and had enabled the Committee to make a number of detailed recommendations to that country's Government.

65. Ms. BARE suggested that the Committee on the Elimination of Discrimination against Women might benefit from studying the work and methodologies of the Committee on Economic, Social and Cultural Rights and the outcome of its discussions, since in many cases, reporting States invoked social and cultural rights to justify perpetuating the subordination of women in their societies.

66. Ms. AOUIJ noted that current discussions of development increasingly emphasized the importance of human resources development and the advancement of women. It was increasingly recognized that development and economic growth were inseparably linked to the issue of equal rights for women.

67. Ms. BUSTELO GARCIA DEL REAL, responding to Ms. Bare, said that the secretariats of the other human rights bodies would be asked to provide all members of the Committee on the Elimination of Discrimination against Women with the concluding observations of those bodies, in cases where the States parties concerned would also be reporting to that Committee. She also hoped that Committee members would be able to receive any concluding observations of other bodies that might be relevant to its work.

68. The Committee on Economic, Social and Cultural Rights was concerned not only with rights such as education and social security but also, increasingly, with issues such as domestic violence, nationality, and lack of equality in marriage, showing that it interpreted economic, social and cultural rights very broadly.

The meeting rose at 12.20 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifteenth session

SUMMARY RECORD OF THE 299th MEETING

Held at Headquarters, New York,
on Wednesday, 24 January 1996 at 3 p.m.

Chairperson: Ms. CORTI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

96-80153 (E)

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial, second and third periodic reports of Ethiopia (continued) (CEDAW/C/ETH/1-3 and CEDAW/C/ETH/1-3/Add.1)

1. At the invitation of the Chairperson, Ms. Haile-Michael and Mrs. Asfaw (Ethiopia) took places at the Committee table.

2. Ms. HAILE-MICHAEL (Ethiopia) said that document CEDAW/C/ETH/1-3, dated 21 May 1993, did not contain the report submitted by her Government two years earlier. She believed it to be that of a non-governmental organization. Moreover some of the information it contained was inaccurate. However, since many of the experts' questions were based on that document, she would endeavour to respond to the points raised therein, making corrections where necessary.

3. Until very recently, women in Ethiopia had been second-class citizens, unable to participate in the political process, lacking access to resources and forced into early marriage and prostitution. Women had, however, played an important part in the struggle against the military junta which had fallen in May 1991, and women's rights were now enshrined in the Constitution, although the civil and criminal codes had not yet been brought into line with it.

4. She had listened with interest to the Committee's suggestion that further legislative and administrative measures should be introduced to combat circumcision and infibulation. Legislation alone was insufficient, however, since mothers themselves supported these practices. They could be eradicated only through education. It must also be borne in mind that harmful traditional practices were not restricted to infibulation, but also included facial mutilation, nutritional taboos and the pulling of teeth and nails to which men as well as women were subjected. Her Government was combating such practices by setting up health clinics in rural areas to inform the population of their harmful nature.

5. The assertion that mothers were left to cope alone outside the home during childbirth was unfounded. While the practice might occur in isolated communities in remote areas, it was not prevalent among the majority of Ethiopia's peoples. Nor was it true that the healing properties of traditional medicine were neglected.

6. With regard to the question of ethnicity, all of Ethiopia's ethnic groups had the right to self-determination and to use and develop their own language and culture. Fears that conflict would break out among those groups, as in Rwanda, were therefore groundless. At present, the Convention on the Elimination of All Forms of Discrimination Against Women was available only in Amharic, the working language of the Government. Translation into Ethiopia's other languages was under way, but additional resources were required.

7. Mrs. ASFAW (Ethiopia), responding to the questions posed on article 2 of the Convention concerning its incorporation into national legislation, said that the principle of equality between men and women was enshrined in Ethiopia's Constitution. They enjoyed equal political rights and equal rights of ownership and inheritance. All marriages took place with consent and women had an equal right to divorce. A women's parliamentary committee was currently examining the civil, criminal and family laws to ensure that articles inconsistent with the Constitution were repealed. The Constitution also prohibited those customs and practices which deprived women of their economic, political or social rights or caused them physical harm. Awareness campaigns were important in that context to inform women of their rights. Regional women's affairs offices were studying the conflicts between customary laws and the Constitution, but international assistance in that area would be welcome.

8. Replying to the question posed under article 3 concerning the functioning and effectiveness of the national machinery established to promote the enjoyment by women of their rights, she said that each government ministry had a gender department to ensure that women's issues were incorporated into its plan.

9. On the subject of affirmative action (art. 4), she stated that a national women's policy had been approved in 1992 and women's units established at the regional and district levels to monitor its implementation, though their work was hampered by inadequate resources. Under the National Plan of Action, the health care needs of women and children were prioritized. Introduction of labour-saving devices in rural areas was having an indirect effect, namely, the increasing participation by women and children in education. One third of the places in training institutions were reserved for women; they were also able to compete for the remaining places. Female students were entitled to enrol at universities at a lower grade point average than their male counterparts. In schools, the curriculum was being developed to combat gender stereotypes and teachers were trained to understand the importance of women's education for democratization and development.

10. The high level of prostitution in Ethiopia was due in large part to the fact that women had been excluded from economic life. The Constitution stated that they were entitled to affirmative measures to remedy that situation. Accordingly, training programmes had been created to help women acquire skills which would give them alternative ways of earning a living. While increased participation by women in education would also help, it was not possible, as yet, to make education compulsory, for even now there were not enough schools.

11. On the subject of trafficking in and violence against women (art.5), she stated that, since women migrated from rural areas to seek employment as housemaids, it was difficult to determine whether there was indeed such trafficking. As for violence, including harmful traditional practices such as infibulation, campaigns were under way to inform women of their rights and to sensitize health care professionals and law enforcement agents. Educational materials on the subject had been developed in cooperation with women's groups and non-governmental organizations. In addition, the mass media was being used to inform the people that such practices contravened the Constitution which they themselves had ratified. Ultimately, such practices would be eradicated only when women themselves were made aware of their harmful nature.

12. Concerning article 6, she said that although offences against morality were punishable by law, there was no law prohibiting prostitution. With regard to early marriage, its origin lay in the fact that women were not only landless but needed to bring a dowry to a marriage. The need to provide a girl child with a dowry impoverished her family, and competition for dowries had led to the practice of early marriage. In the north of Ethiopia girls acquired the right to own land at the age of 17, and it was obvious to the peasants that there was no advantage in bringing a child bride into the family long before she would be in control of her own resources. Girls who would have their own land had no need of dowries and it could therefore be inferred that cultural practices changed because the reason for their existence was removed, not as a result of legislation.

13. Regarding the practice of democracy in societies with low levels of literacy, raised under article 7, she believed that while education enhanced democracy, it was people's awareness of lack of democracy which provided the stimulus for it to be brought about. In Ethiopia, the majority of people who had struggled against the military regime in order to achieve peace, justice and democracy had been peasants. On the other hand, many countries enjoyed high rates of literacy, and were wealthy but not democratic. Democratization was a continuing process, and Ethiopia currently had the institutions necessary for that process to succeed, such as independent courts, distinct judicial, legislative and executive powers, and an army loyal only to the Constitution.

14. Regarding the claim, that human rights did not exist in Ethiopia, she said that the Constitution provided protection against torture and violence, and gave detainees the right to appear in court within 48 hours of detention. Moreover, Ethiopians were entitled to freedom of speech, expression and organization, and had a free press. Traditional practices were much too complex to be treated as purely human rights issues, but there was no lack of effort to identify practices such as domestic violence which were violations of women's human rights.

15. On the issue of literacy and political power, while education was important, it by no means guaranteed honesty or commitment. Two thirds of leaders at grass-roots level were women, despite widespread illiteracy, because they were believed to be free of corruption.

16. As for women's legal expertise, she said that there were a few women judges, and that one of the top three prosecutors in the Special Prosecutor's Office was a woman. More data would be supplied in a subsequent report.

17. With regard to the question of nationality, raised under article 9, she said that the new Constitution provided that no Ethiopian citizen, whether male or female, could be deprived of their citizenship, even on marriage to a foreign national.

18. In response to a number of questions related to article 10, she said poverty and underdevelopment were largely responsible for female student drop-out rates. The issue of cultural stereotypes was more complex: those could not be changed by decree, but would disappear only when the economic, social and political reasons for them no longer existed. Women would have to actively

challenge stereotypes and claim their economic, political and social rights. She felt progress was being made in that area.

19. The issues of family planning and the reproductive health of women were an integral part of new policies. The Constitution gave women the right to have access to information on important matters such as family planning and nutrition. Abortion, though illegal, was widely practised, and responsible for many deaths.

20. Ms. HAILE-MICHAEL (Ethiopia), said that rape, because of the stigma attached to it, remained underreported, despite the dangers posed by AIDS. Children born as the result of rape or outside wedlock were accorded the same status by the Constitution as children born to married couples. With regard to AIDS, intensive campaigns were being carried out by the Ministry of Health and NGOs. Fear of contracting AIDS would contribute to the gradual disappearance of polygamy, as would education and respect for women's human rights.

21. Asked to explain the reasons for large families, she said that in agrarian societies, large numbers of children were necessary to provide free labour for the family. They were also potential sources of security for parents in their old age.

22. With reference to women's employment and questions raised under article 11, she said that all discriminatory laws against women workers had been repealed by the Constitution. Ethiopia had formulated a new labour proclamation in 1993, consistent with the rights of women, which stated that men and women were entitled to equal pay for equal work; that women must have equal employment opportunities, protection from hazardous jobs, three months of paid maternity leave, and equal rights to promotion and pension rights. Women were employed primarily in the informal sector, which was receiving special attention. With regard to rural women, and a question raised under article 14, the Federal Government's national plan of action had given special priority to training packages as part of the rural-based development strategy. Within the constraints of limited resources, preparations were being made to train women in productive activities and teach them new skills. Concerning the resettlement of displaced people, she said social rehabilitation programmes to address their needs had, from the beginning, been given priority status by the transitional Government.

23. Regarding Amnesty International's claims of human rights abuses in Ethiopia, she said that the claims had not been substantiated. In fact, human rights were being enjoyed in Ethiopia for the first time in its long history. Unsubstantiated allegations against the Government could not be taken seriously.

24. In response to a question raised under article 16, she said that the Constitution gave men and women of legal marriageable age the right to marry and have a family without limitation of race, nationality or religion. Men and women were entitled to equal rights during marriage and on its dissolution. Arbitrators in the event of marriage or divorce were used if customary or religious law had been chosen by the couple in preference to legal procedures. The concept of the man as head of the family had been abolished by the

Constitution, since both men and women had exactly the same rights to access and control of resources, political empowerment and social services.

25. Ms. ABAKA said that the Government must try to reconcile different ethnic groups and avoid confrontation.

26. Ms. GARCIA-PRINCE, noting that her questions had not been completely answered, said that she would welcome more information on the national strategy the Government had decided to implement with regard to violation of human rights in general. Increased awareness and a willingness to fight would be important factors, but were unlikely to be sufficient, by themselves to resolve the problem of women's extreme subordination. However, she acknowledged the progress which had been made and the Government's determination to bring about change.

27. Ms. SCHÖPP-SCHILLING said that Ethiopia's new Constitution contained many interesting features, including its provisions concerning affirmative action, and, if translated into English, might serve as a model for other countries.

28. She would welcome additional information on the observance of customary laws which, although no longer recognized by the new Constitution, appeared to be still very much a part of popular culture. She welcomed the Government's efforts to highlight harmful traditional practices and wondered whether that issue was being dealt with at the regional level by the focal points for women.

29. Given the high levels of illiteracy and the multiplicity of languages in some countries, it would be useful to use more accessible media, such as comic strips and cartoons, to promote awareness of the Convention.

30. Ms. CORREA, noting that her questions had not been answered, because they had not been clearly formulated, said that she remained concerned about women's limited participation at decision-making levels, including the national parliament. That situation was in sharp contrast to the key role played by Ethiopian women at the grass-roots level.

31. Ms. ESTRADA CASTILLO welcomed the Government's efforts to provide greater legal protection for the rights of women. As in many other countries of the world, however, there appeared to be a significant gap between the de jure and the de facto status of women in Ethiopia. The Ethiopian delegation's statement did not provide concrete information on how the Government was responding to the problems of women in that country in such areas as human rights abuses, health care programmes and education. It was time to go beyond mere declarations and to focus on concrete actions.

32. She would welcome clarification of the statement that excessive preoccupation with the question of genital mutilation could boomerang and be counter-productive.

33. Finally, she wondered whether there were differences between the prospects for economic, social and occupational mobility of rural and urban women in Ethiopia.

34. Ms. JAVATE DE DIOS, noting the progress that had been made in protecting human rights in Ethiopia, said that she would welcome more information on the impact of the strategy to mainstream the gender perspective approach to the adoption of public policies. It would also be helpful to know if any emergency aid programmes had been put in place at the village level to address the needs of displaced women and women without a support system.

35. Ethiopia's next periodic report should contain concrete information on the implementation of gender equality and on the steps taken by the Government to provide training in human rights to personnel of the police force, the judicial branch and educational institutions.

36. Ms. OUEDRAOGO welcomed the integrated approach which the Government had adopted to curb traditional practices that were harmful to women and girls. She did not agree, however, that the solution lay in penalizing the mothers. Her own country, Burkina Faso, had succeeded in reducing the incidence of harmful traditional practices by penalizing the practitioners, who were motivated largely by the expectation of financial gain.

37. She wished again to stress the value of informal mutual aid societies in helping women obtain credit for setting up small businesses. That approach had been tried with marked success in several African countries.

38. Ms. KHAN said that, while she agreed that traditional practices could not be rooted out by fiat alone, it was still important to enact legislation and to pursue specific programmes and policies aimed at curbing harmful practices.

39. Reports of human rights abuses in Ethiopia had been received not only from Amnesty International, an internationally known and respected organization, but also from human rights groups within the country, a situation which would not have been allowed to exist under the previous Ethiopian regime.

40. Ms. HARTONO, noting that children born out of wedlock had the same rights and protections as children born within marriage, said that it could be concluded that it was no longer necessary for a woman to marry, because her children would have the same rights whether she married or not. Would that not make the institution of marriage superfluous?

41. Regarding the statement that it would be difficult to institute a programme of compulsory education as long as child labour existed, she said that the reverse had proven to be true in her own country, where compulsory education had been instituted in order to reduce child labour. She feared that, if Ethiopia waited until child labour was no longer used, it would never begin a compulsory education programme.

42. Ms. TIMOTHY (Representative of the Secretary-General) said that both reports before the Committee had been submitted by the Government. It was not the practice of the Secretariat to issue reports of non-governmental organizations. She regretted any confusion that might have arisen.

43. Ms. HAILE-MICHAEL (Ethiopia) said that she regretted that her delegation had been unable to answer the questions of some members to their satisfaction.

Concerning the questions posed by the Chairperson, she said that while abortion remained illegal the Government was nevertheless aware that clandestine abortions were still performed. It had been determined that the phenomenon was most common among adolescent girls in urban areas. The Government, non-governmental organizations and community groups had entered into discussion with the National Association of Gynaecologists and the Women's Affairs Bureau on ways to deal with the issue. Those groups were trying to devise interventions that would be acceptable to the society at large. The Government did not underestimate the problem, but realized that extensive consultation would be needed among the various bodies that would participate in the strategies and programmes. A survey had been taken regarding contraceptive preferences, and the National Association of Gynaecologists had proposed a solution focusing on prevention, including distribution of contraceptives and sex education in the schools.

44. Ms. ASFAW (Ethiopia) said that ethnicity could be either a positive or negative force. Her country had learned through bitter experience that it was dangerous to forbid different groups to express themselves freely. Ethiopia currently comprised over 80 distinct linguistic and cultural groups and the Government was attempting to make it attractive to those groups to be part of a unified Ethiopia. As in a marriage, the partners would remain together if they treated each other with love and respect. Ethiopia was an ancient and conservative society, but the establishment of democracy had been a unifying experience for all groups. Although there was opposition, it was generally expressed in a constructive manner; some groups, however, resorted to destructive means. In her view, only when women and children had achieved economic and social rights in a democratic society would democracy enter the home.

45. The CHAIRPERSON agreed that human rights education, which led to respect for and understanding of democracy, must be promoted. While it was true that Ethiopia's problems would not disappear overnight, nevertheless, Ethiopia could not consolidate democracy and stability as long as more than half its population remained in a position of inferiority. The Government should ask for additional outside help in overcoming poverty; several institutions, including UNIFEM, stood ready to assist it in carrying out its development plans. She urged Ethiopia to set priorities for action carefully, despite its global approach to development and, as a State Party to the International Covenant on Civil and Political Rights, to give more attention to the fundamental human rights of all its citizens.

The meeting rose at 5.35 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifteenth session

SUMMARY RECORD OF THE 300th MEETING

Held at Headquarters, New York,
on Friday, 26 January 1996, at 10 a.m.

Chairperson: Ms. CORTI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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96-80165 (E)

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Belgium (continued) (CEDAW/C/BEL/2)

1. At the invitation of the Chairperson, Mrs. Franken, Mrs. de Wiest, Mrs. Paternottre and Mr. Reyn (Belgium) took places at the Committee table.

2. Mr. REYN (Belgium) said that the report currently before the Committee needed to be updated to reflect the changes that had taken place since its submission. A supplement was therefore being distributed to the members of the Committee. Following the constitutional reforms of 1994, Belgium's new power-sharing structure was based on the devolution of authority rationae materiae and rationae loci from the federal Government to communities and regions. The latter were not subordinate to the federal Government in the areas of jurisdiction, but were free to pursue their own policies. In general, the communities had jurisdiction in the cultural and social spheres. However, in a number of areas, their jurisdiction overlapped with that of the national Government.

3. Mrs. PATERNOTTRE (Belgium) said that Belgium gave top priority to equality of opportunities. Accordingly, the Federal Minister for Employment and Labour was the minister responsible for equal opportunities policy, and the Flemish and French communities each had a woman minister responsible for that policy. Belgium had been pursuing affirmative action for a very long time, not only at the national level but also in the context of the European Union. It had ratified many international instruments in the area of equality, equal opportunities and advancement of women. While specific action was necessary on certain issues, it had been realized that overall action to change mentalities was also required. Much had been accomplished in the area of violence against women, to which her country attached considerable importance. In recent years, two royal ordinances aimed at combating sexual harassment in the workplace and a law against traffic in persons had been passed. Moreover, a series of measures against violence in general had been adopted, geared towards both victims and perpetrators. Assistance and shelter were provided to victims of violence and information on violence was disseminated to the general public.

4. The authorities were also continuing their work on the problem of equality in employment. While some legislation was already in place in that regard, measures still had to be taken in the areas of equal remuneration and equal treatment. Activities undertaken in that respect ranged from an international conference which Belgium had organized while occupying the Presidency of the European Union to the preparation of a handbook for persons working in the area of job classification and consciousness-raising campaigns.

5. Another area on which Belgium had been working for several years was that of women and power-sharing. In that regard, as a result of the adoption in 1994 of a law on minimum participation according to gender in electoral lists, the percentage of women in some assemblies had doubled. Another law had been passed

in 1990 on the submission of candidacies to advisory bodies to ensure that those bodies achieved a better balance in their membership at the federal level. Work with respect to women and the media focused on changing mentalities, overcoming stereotypes, disseminating information and organizing public awareness campaigns. In the French community, a decree had been promulgated requiring that the names of occupations be given in both the male and female forms.

6. Preparations for Belgium's participation in the Fourth World Conference on Women had been conducted by a preparatory committee composed of representatives of federal, community and regional ministries, non-governmental organizations and trade unions. The Committee had prepared a national report, disseminated information on the Conference and made recommendations to the Government as to the position which Belgium should adopt at Beijing. The Belgian delegation had played a very active role at the Conference in the context of the European Union. It had been represented by several ministers and by Queen Fabiola, who had attended both as an expert on rural women and in her personal capacity, because of her interest in efforts to combat the traffic in persons. As head of the Belgian delegation, the Minister responsible for equal opportunities policy had made a statement indicating that Belgium's priorities were the full and equal participation of women in political, public, economic, social and cultural life and the eradication of all gender-based discrimination.

7. Concerning Belgium's reservations to articles 7 and 15 of the Convention, she noted that the basis for those reservations no longer existed and that as soon as the relevant procedures were completed, the reservations would be withdrawn.

Article 1

8. Responding to questions raised by the Committee with respect to article 1, she noted that exemptions from the principle of equality were based on objective criteria and precise rules formulated as laws following broad consultations with institutional and other partners. Their purpose was to permit certain territorial adaptations in the organization of the principles recognized in the Constitution; the principles themselves could not be changed. Moreover, in order to ensure that the laws enacted for such purposes reflected the wishes of a large part of the population, they must be adopted by a two-thirds majority of each linguistic group in each of the two chambers.

Article 2

9. Concerning the question raised with respect to initiatives to include a specific mention of gender equality in the Constitution, she noted that the guarantees offered by the Belgian Constitution, especially article 11, were genuine. However, if the European Union were to decide, in the context of ongoing discussions on the advisability of including such a reference in the Treaty of the European Union, Belgium might reconsider the advisability of amending its Constitution accordingly.

10. On the issue of de facto equality for women, Belgium was continuing its efforts to bring its legislation into line with the international instruments that it had ratified and to remove any trace of direct or indirect

discrimination from its legislation. However, it realized that de jure equality did not suffice to ensure complete equality in practice. Other factors such as stereotypes distorted decisions and created obstacles. In view of those difficulties, the Government was developing a policy that combined campaigns to eradicate stereotypes in several areas, ranging from the sharing of domestic responsibilities to the role of the media, with the establishment of affirmative action programmes in the public and private sectors.

11. Concerning the opportunity to take legal action in cases of discrimination, the case law thus far developed in the area of equal opportunities mainly concerned rights relating to employment and social security. Recently, there had been an increasing focus on problems of sexual harassment. The number of complaints was growing slowly but steadily. Judges were increasingly using their authority to bring preliminary issues before the Court of Justice of the European Union. Since 1985, the Federal Equal Opportunities Office had been regularly publishing and updating a database on European and Belgian legislation and case law which was disseminated widely to persons working in the judiciary.

12. Concerning legal action actually brought by women on grounds of discrimination, the complex problem of night work was an interesting example which demonstrated the interaction of European Union directives with Belgian legislation. Although night work was prohibited in Belgium for both men and women, there had, until recently, been considerable gender-based differences in the exemptions allowed. Accordingly, action had been brought against Belgium in the European Court of Justice for discrimination in its legislation on night work. Since that was a very important and highly sensitive issue, it had been referred to the National Labour Council, where a partial solution had been found, but negotiations were still under way. Full equality in that area would require accompanying measures on safety, child care and other related matters. Other landmark actions brought had related to maternity leave, sexual harassment, retirement pensions and education.

Article 3

13. With regard to article 3, equal opportunities policy was still being developed in Belgium; because of institutional changes, the machinery for women's rights at the federal, community and regional levels had evolved.

14. At the federal level, the Minister responsible for equal opportunities policy was the Minister for Employment and Labour; prior to 1991, that responsibility had been entrusted to the Secretary of State for Social Emancipation. The change in status was indicative of the increasing importance accorded to equal opportunities policy.

15. At the administrative level, the secretariat of the Commission on the Employment of Women and the administrative unit of the Secretariat of State for Social Emancipation had been replaced by a Federal Equal Opportunities Office within the Ministry of Employment and Labour, headed by an official with the rank of counsellor.

16. As to advisory bodies, the Equal Opportunities Council, formed from the merger of the Commission on the Employment of Women and the Council for

Emancipation in 1993, included representatives of employers and workers from the public and private sectors, ministries, women's organizations, advisory bodies in the field of culture and youth, family organizations, political parties and experts.

17. The non-governmental organizations (NGOs) represented on the Council had been chosen because they were umbrella organizations with a large membership and/or decentralized structure covering the whole of Belgium and were therefore able to reach people at the grass-roots level. NGOs were able to participate in the work of the Council and in groups and committees organized by it. The Council acted as an intermediary between NGOs and the federal Minister responsible for equal opportunities policy. In 1995, the Council's commissions on Europe, social security, division of labour, women and politics, women and the law, women and development, and poverty, had been active. So far, the Council had issued six opinions.

18. The Commission on Domestic Labour had not met for several years, following the establishment of the Equal Opportunities Council, so that in practice there was only one body at the federal level concerned with equal opportunities, which made matters much simpler.

19. The Equal Opportunities Council had an operating budget of about $50,000, excluding personnel and administrative costs; the budget for the equal opportunities programme of the Ministry of Employment and Labour was about $375,000.

20. Mrs. DE WIEST (Belgium), referring to the structures and mechanisms in the Wallonne region and the French-speaking community, said that a resolution had been passed in the Council of the French-speaking community establishing priorities for action. The first priority was parity of representation - that there should be as many women as men everywhere, at all levels; the second was combating all types of exclusion of women; the third was to promote affirmative action in the media, without infringing on the freedom of the press, so that more women would occupy decision-making, programming and production posts. The French-speaking community had initiated the proposal for a symposium on women and the media which had been held at Toronto in 1995 and had made a significant input into the Beijing Platform for Action. The fourth priority was combating all forms of violence against children and women and supporting the initiatives and action of women for peace. The fifth was the promotion of health education for women, including all aspects of family planning. The priorities had been widely publicized in two newsletters entitled Les femmes savent pourquoi.

21. The French-speaking community had established an equal opportunities office responsible for mainstreaming women's concerns, advising women's associations, building partnerships and acting as a resource centre for associations and the general public. Action had been taken to feminize the names of occupations, grades and functions. Within the Economic and Social Council of the Wallonne Region, a regional commission for women had been established which was responsible for issuing legal opinions, proposing action and carrying out information and awareness campaigns.

22. Mrs. FRANKEN (Belgium), referring to action taken within the Flemish-speaking community, said that at the legislative level, the parliament of Flanders included a task force on equal opportunities and emancipation. At the executive level, there was now a Minister responsible for equal opportunities policy, who had established four priorities for the period 1995-1999: to ensure de facto equality and to join in any European programmes that were under way; to carry out research on the structural causes of the feminization of poverty and identify action to remove those causes; to promote the access of women and girls to education and training, employment, health care and the media; and, in the federal administration, to strive to improve women's visibility and conduct a campaign against sexual harassment in the workplace, starting in February 1996. An interdepartmental commission for equal opportunities and emancipation, assisted by an administrative unit, had been established in January 1996 to help implement ministerial policy.

23. At the level of communities, cities and provinces, there were many local emancipation councils entrusted with advisory functions. Private initiatives were also being undertaken by socio-cultural associations.

24. On the question of whether representatives of grass-roots women's groups were included in the Council for Emancipation, she said that the Flemish Minister for equal opportunities planned to focus her policy on women's minorities who had already begun to organize themselves.

25. For 1996, the Minister for Employment and Labour had an equal opportunities budget of 46 million Belgian francs; she also had access to the budgets of six other ministries for the implementation of joint projects.

Article 4

26. Mrs. PATERNOTTRE (Belgium), referring to article 4, said that the affirmative action programmes introduced in Belgium had originated in a European Union directive on affirmative action and were mandated by two royal ordinances, one for the public sector and the other for the private sector. In the public sector, managers had to prepare gender-disaggregated analytical reports of their existing staffing situation and, on the basis of those reports, draw up affirmative action plans defining the type of measures to be taken and the time-frame for their implementation. Those measures would correct past situations and promote the participation of women in all sectors and occupations. It had soon been realized that additional measures would be needed to sensitize managers, especially managers of human resources, and to facilitate the implementation of affirmative action measures. Such additional measures included assistance in the preparation of reports and the organization of training seminars for managers and for employees' representatives.

27. A review of the implementation of the ordinance on the public sector had been carried out in 1994. Because of the difficult economic situation, it had not been possible to implement all the measures envisaged. The review had shown that there was a willingness in the public sector to introduce affirmative action measures, but that women were given permanent appointments less frequently and were less well represented at senior levels, and that boards of examiners tended to be overwhelmingly male.

28. The first category of affirmative action measures involved training, improved access to training, more equitable composition of boards of examiners and the formulation of job offers favouring female candidacies. A second category of measures aimed to improve the climate and conditions in the workplace and included child-care arrangements for working mothers, more flexible working hours and the prevention of sexual harassment. A third category was designed to sensitize the public to the need for affirmative action. At least one third of public bodies had prepared and implemented affirmative action plans; the proportion was 50 per cent at the higher levels of government but considerably lower at the local level.

29. Action in the private sector included pilot programmes in individual companies and broader-based attempts to convince the private sector as a whole of the need to effect change. Awareness of the need for improvements had been reflected in a number of collective agreements. The Ministry of Employment and Labour monitored firms' efforts; whenever a company requested State aid in restructuring, it was required to report on its affirmative action policies. Private employers could thus be compelled to act if and when they needed the Government's help and, as a result, women were no longer inevitably the first victims of restructuring.

30. Mrs. DE WIEST (Belgium) said that the Community and Regional Office for Vocational Training and Employment (FOREM) was the agency responsible for job training and placement. Since 1991, its activities had been founded on the principle of equal opportunity and it had undertaken studies to establish the extent of gender disparities in the workplace and an awareness campaign to sensitize the administration to the problem. It had also studied the nature of demand in the workplace in an effort to better match unemployed women with available jobs and had set up public child-care programmes for women who were looking for employment.

31. Mrs. FRANKEN (Belgium) said that the Flemish government's appeal against the royal ordinance on affirmative action was still pending. The Flemish authorities had initiated affirmative action by appointing a woman official to coordinate affirmative action programmes with the administration. While 36 per cent of Flemish civil servants were women, they were still underrepresented at the middle and upper management levels. The results of the awareness campaign had been disappointing, probably because there were no sanctions for non-compliance. The affirmative action official had organized training programmes for women working in the administration and had introduced day-care programmes and awareness training. In March 1994, the government of the Flemish region had adopted a decree encouraging reintegration in the workforce through redeployment and training. Since unemployment figures were higher for women, it was expected that they would be the primary beneficiaries of the new decree.

Article 5

32. Mrs. PATERNOTTRE (Belgium) said that the Government's first task had been to gather data on the incidence of violence against women. As a result of national awareness campaigns over the past 10 years, the problem was no longer a taboo subject and women were daring to speak out and seek help. The federal

Government had compiled the addresses of all services capable of assisting women and children who suffered from domestic violence. The resulting set of documents was classified by province and was distributed to anyone to whom a victim might turn for help. The new law on rape included a wider definition of rape and new guidelines aimed at avoiding secondary victimization by the authorities had been distributed to the police, health professionals and members of the judiciary. Confidential medical reports on victims of domestic violence were kept by doctors, with a copy distributed to the victim, so that a complaint could be filed even after the fact. An awareness campaign had been launched to instruct the police in the identification of probable victims of domestic violence, and care was taken to ensure that victims did not have to repeat their story on numerous occasions. The Government had also established awareness campaigns aimed at judges, a project for coordination at the provincial level, and a pilot programme to prevent recidivism by providing therapy to those found guilty of domestic violence; the programme was available to prison inmates but, in many cases, it made it possible for perpetrators to avoid incarceration. Its results would be evaluated in 1996 to see whether it should be offered throughout the country.

33. With regard to harassment in the workplace, the relevant royal ordinance stipulated that a victim's liaison officer must be designated in each enterprise and the penalties for harassment and procedures for dealing with it must be clearly stipulated in the staff regulations.

34. Mrs. DE WIEST (Belgium) said that the French-speaking community had an extensive network of subsidized mental health, medical and day centres for adults in difficulties. Organizations which assisted victims of violence were well funded, reflecting widespread public awareness of the need for their services. All of the French television channels had adopted the new code of ethics on violence in the media, which stipulated that programmes belittling women constituted moral violence.

35. Mrs. PATERNOTTRE (Belgium) said that a brochure had been issued providing the media with a list of women who could be consulted as specialists or as subjects for interviews.

Article 6

36. Mrs. PATERNOTTRE (Belgium) said that Belgian society had traditionally tolerated a certain level of prostitution but that, in the 1980s, a phenomenon had developed which amounted to a genuine traffic in persons. An incident which had caused particular public outrage had prompted the establishment of a parliamentary commission of inquiry to determine whether new legislation was required.

37. Mrs. DE WIEST (Belgium) said that she had served as a consultant to the parliamentary commission and that the approach taken had included confidential interviews with witnesses. The commission's recommendations had later been translated into law. Various aspects of the problem had been considered, including traffic in foreign nationals; traffic in adults, including consenting adults, for purposes of prostitution; traffic in minors and child pornography, with particular emphasis on the Guide Spartacus, a world-wide guide for

paedophiles published in Belgium; and the criminalization of sex tourism engaged in by Belgian citizens travelling abroad.

Article 7

38. Mrs. PATERNOTTRE (Belgium) said that women and men had equal civil and political rights and access to public office but that, in practice, women were seriously underrepresented. A new law, scheduled to take effect in January 1999, stipulated that no more than two thirds of the candidates on an electoral list could be of the same sex. As a transitional measure, a maximum of three quarters had been set for the October 1994 elections; a minimum of 25 per cent participation by either sex was already in force for elections to the European Parliament. At the last elections held before the institution of the new measures, it had been noted that even though the law was not yet in force, all of the political parties had observed its provisions in drawing up their lists of candidates, a fact which demonstrated that they feared a possible backlash from women if they did not do so. As a result, the number of women elected at all levels had increased significantly and it was hoped that their numbers would soon reach the critical threshold that would allow them to have a real influence on political decision-making.

39. Much thought had been given to possible equal opportunity measures at the local government level and a number of pilot projects had been launched. It had been found useful to first appoint a local official in each commune to be responsible for such matters, and it was hoped that the existence of a network of such officials would have a snowball effect at the national level. Efforts were also being made to strengthen the role of women on advisory bodies in such areas as industrial relations, but in the absence of any legally enforceable obligation, there was a tendency for those efforts to be ignored in some areas. In the context of the follow-up to the Beijing Conference, however, she hoped that the Government would take steps to improve the situation. There were also very few women in influential positions in the trade union movement.

Article 8

40. The number of women in the diplomatic service was still very low (12 per cent of the total), although the situation was improving. The number of women in senior positions in the Government and the civil service was still modest and as a result few women were representing the country in international forums. However, those women who were present at the lower levels would in due course move up to more senior positions, which would improve the statistics.

Article 9

41. Referring to issues of nationality, she said that any child born in Belgium who, at any point, before reaching 18 years of age, would otherwise be stateless was deemed to have Belgian nationality; there were also special new provisions enabling the children of foreign parents residing habitually in Belgium to opt for Belgian nationality at age 18 under certain circumstances.

Article 10

42. Mrs. FRANKEN (Belgium) said that in the Flemish community, an experimental project had been launched in 1992 to diversify the choices made by girls as to their fields of study by providing them with counselling and encouraging them to opt for technical courses. It was hoped that the resulting changes would remain in place in the educational system once the project ended. Of course, cultural change did not take place overnight and it was not yet possible to evaluate the results.

43. On the subject of education for ethnic minorities, extrabudgetary resources had been made available in the Flemish region to meet the special needs of immigrant children, emphasizing integration and remedial teaching. The equal opportunities policy also benefited such groups. Two special projects had been launched, one to provide additional training for immigrants working as nursery school assistants and one enabling young people who were being trained as intercultural mediators to obtain a certificate of higher secondary education by taking an optional course in alternative education.

44. Mrs. DE WIEST (Belgium) said that detailed information and statistics on education in the French-speaking community were contained in the supplementary document which was being distributed to the members of the Committee. On the whole, girls were more successful at school than boys, but had more difficulty when it came to entering the labour market.

45. There was a regrettable and increasing preponderance of women teachers at the nursery school and primary school levels; teachers' salaries were also lower at those levels. The majority of students successfully completing secondary education were girls; however, despite campaigns to encourage greater diversification, girls still tended to choose traditionally "female" courses. There had been a significant increase in the number of girls entering higher education although, there too, women tended to opt for "female" areas of study, such as the arts and social sciences and teaching. They had reached parity with men in law schools, a development which was encouraging for the future enforcement of women's rights. There were also more and more women studying medicine, but that did not necessarily offer them secure career prospects as there was said to be a surplus of doctors in Belgium.

46. Single-sex schools no longer existed in the French-speaking community. However, girls were having to contend with male-oriented attitudes and prejudices and had to make greater efforts than boys in order to achieve a certain level of academic recognition.

Article 11

47. Mrs. PATERNOTTRE (Belgium) said that the reports before the Committee and the supplement which was being distributed contained all the necessary statistics on employment. Equality in employment was guaranteed in Belgium by European Union directives and national legislation and by the fact that the country had ratified the relevant international agreements. A number of difficulties remained in achieving equal pay for work of equal value; traditionally female jobs still tended to be undervalued. A campaign was being

prepared to increase awareness in both employers' and employees' organizations of the need for non-discriminatory job classifications.

48. Part-time work was an increasingly widespread phenomenon and 90 per cent of part-time positions were currently held by women. That was partly due to stereotyped attitudes towards family responsibilities. Special measures had been taken to assist women entering the labour market after an absence of several years for family reasons; such measures included training and career counselling.

49. The duration of maternity leave in Belgium was 15 weeks, including a minimum of one week before the birth and eight weeks afterwards. It had recently been decided that, in the event of the death of the mother, the father could take the remaining weeks as parental leave. There were also special measures for the protection of pregnant women whose work involved contact with dangerous substances.

Article 12

50. The Belgian health insurance system was contributory but State-subsidized and covered health care, sickness benefit and maternity benefit. Only 2 per cent of the population were not covered; in such cases, coverage could be provided through social assistance centres.

51. The cost of in vitro fertilization was not specifically provided for, but laboratory costs in such cases were covered. Preventive care was widespread in both the French-speaking and Flemish communities; further details were provided in the supplement being circulated to the Committee.

52. Despite great difficulties in reconciling the views of those who advocated protection of the unborn child and those who supported a woman's right to choose, a law decriminalizing abortion had been adopted in 1990. The new law gave pregnant women the right to terminate a pregnancy; it was very important to note that the woman herself took the decision. Abortion beyond the twelfth week after conception was permitted only if the mother's life was in danger, however, or if it was clear that the child would be born with a major, incurable handicap or deformity. The law also provided for preventive measures in the form of family planning information. Fifty per cent of women undergoing abortions were between 20 and 29 years of age. Contrary to the fears expressed in some quarters, there was no evidence that the new law was leading to the use of abortion as a habitual method of contraception.

Article 13

53. Financial institutions were obliged to give credit to women and men on an equal basis. No centralized information was available on the provision of loans to set up businesses. There was no gender discrimination in the provision of financial assistance to businesses.

54. Mrs. DE WIEST (Belgium), referring to media coverage of women's sports, said that women in the French-speaking community generally participated in

non-competitive sports for physical fitness purposes. The activities involved were not of great media interest.

The meeting rose at 12.55 p.m.

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SUMMARY RECORD OF THE 301st MEETING

Held at Headquarters, New York,
on Friday, 26 January 1996, at 3 p.m.

Chairperson: Ms. CORTI

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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In the absence of Ms. Corti, Ms. Aouij, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Belgium (continued) (CEDAW/C/BEL/2)

1. At the invitation of the Chairperson, Mrs. Paternottre, Mrs. Franken, and Mrs. De Wiest (Belgium) took places at the Committee table.

2. Mrs. PATERNOTTRE (Belgium), continuing her delegation's replies to the questions put by the experts, said that rural women enjoyed the same rights, services and social benefits as other Belgian citizens. The problem of farmers' wives and other women who assisted their husbands in their occupations was rooted in the structure of the social security system and of what were referred to as derived rights. A worker's normal social security contribution also provided coverage for his spouse and children. The spouse therefore had no incentive to make independent contributions, a situation that created certain difficulties, not the least of which was impoverishment, if the couple separated. The social security system, moreover, was based on the traditional model where the husband went out to work while the wife stayed at home to keep house and raise the children. As more and more women joined the labour force, however, that model was becoming increasingly inapt.

3. Turning to the questions put under article 16, she said that the law of 19 January 1990 had reduced the age of majority from 21 years to 18 years and provided that both men and women could legally marry at that age.

4. The tax regime in Belgium was also based on the traditional model of the family. The 1988 amendment to the relevant legislation provided for the introduction of a spousal allowance and termination of the previous system under which the spouses' combined incomes was subject to tax. Some critics claimed, however, that the spousal allowance discriminated against unmarried women.

5. When a divorcing couple were unable to agree who should have custody of the children the matter was resolved by the courts. Non-custodial parents could appeal the court's decision to a higher court. In arriving at a decision the judge used objective criteria such as whether the lifestyle of the spouse seeking custody was compatible with the education of the child and what was in the best interests of the child. The law also provided for visitation rights for both parents and grandparents. In addition, the French community had, on a pilot basis, provided for neutral meeting places where children could have access to both parents who might be in conflict with each other.

6. The transmission of the family name to children was governed by article 335 of the Civil Code. A child with only its maternal affiliation established bore the name of its mother A child whose paternal affiliation only was established, or for whom both the paternal and maternal affiliation were

established, bore the name of its father, unless the father was married to another woman at the time the child was conceived.

7. The CHAIRPERSON welcomed the comprehensive replies given by the Belgian delegation and the political will that was evident in the programmes and policies adopted to promote equality of opportunity for women, including in the field of employment, and increased participation by women at decision-making levels. In that connection, she was gratified by Belgium's withdrawal of its reservations to the Convention. She stressed the important contribution which the media could make towards changing common perceptions of gender roles.

8. Ms. OUEDRAOGO said that she was extremely gratified by the report which dealt comprehensively with the legal and practical measures that had been taken to promote the equality of women with men in Belgian society. She welcomed Belgium's decision to withdraw its reservations to the Convention and commended the country for its exemplary post-colonial policies with regard both to its relations with Africa and its treatment of African nationals in Belgium.

9. The report could, however, have been more specific with regard to the information provided under certain articles of the Convention. Greater transparency was always welcome, since discrimination against women persisted in some forms even in highly developed countries. That situation could be remedied only by increased participation of women at all levels of the social, political and economic life of the State.

10. Ms. BARE said that she was pleased to learn of the broad-based representation of women and youth at the various levels of Belgium's democratic and pluralistic society. It was also gratifying to note that not only was there adequate financing for the national machinery for the protection of women's rights, but that the Flemish community was able to influence the budgets of other ministries whose work had an impact on women's programmes. However, while commending the efforts being made to ensure that the migrant population enjoyed the same rights as Belgian citizens, she wondered what programmes had been put in place to expedite the acculturation process in terms of education, social integration and employment.

11. Ms. HARTONO said that the Ministry of Equal Opportunity represented an innovative mechanism for achieving equality of opportunity for women in Belgium. She wondered, however, whether the Ministry was a full or junior Ministry and whether it had the power to implement policies.

12. She would welcome information on how the situation of women in the Flemish-speaking part of Belgium compared with the situation in the Netherlands and whether there were any women's publications in the Dutch language.

13. Ms. SCHÖPP-SCHILLING thanked the Belgian delegation for the abundance of information contained in its insightful and candid report. Given the late submission of the information, however, it might have formed the basis of that country's third periodic report, thereby expediting the work of both Belgium and the Committee. The legal situation of women in Belgium was, indeed, very clear; more attention could, perhaps, have been given to the de facto situation with regard to the implementation of legislative provisions.

14. With regard to the pilot projects in the fields of affirmative action and education, it was probably time for certain results to be legally mandated. In addition, given the differences that existed between the various regions of the country, the central Government could play a useful monitoring role in order to prevent discrepancies in the treatment of women.

15. Turning to more specific aspects of the report, she said that there might be a certain degree of hidden discrimination in the area of social security and taxation between women who had chosen to be homemakers and those who had chosen to work outside the home, which was no longer appropriate. The real issue regarding women in non-traditional fields of employment was wage discrepancy, and she was pleased to see that the Government was addressing job reclassification.

16. With regard to termination of pregnancy, she wondered whether the documentation process protected a woman's privacy, and whether the counselling provided was tailored to each woman's needs, or followed a particular ideology.

Article 4

17. Ms. MAKINEN suggested that the Government of Belgium should apply special temporary measures to provide equal employment opportunities for women in the private sector as well as the public sector. She noted that very few women were involved in politics, and suggested that establishing a quota could be an effective means of increasing the number of women holding political posts.

18. Ms. BUSTELO GARCIA DEL REAL inquired whether court judgements in affirmative action cases had had any impact on public opinion. More information on the division of family responsibilities and the evaluation of the results of awareness campaigns would be useful in the next report, since statistics on men and women's use of time were very helpful in demonstrating the value of women's unpaid work. She would also be interested to learn the results of the new legislation on the traffic in persons and whether new information was available on the fight against the feminization of poverty.

19. Ms. ABAKA said that Belgium's affirmative action programmes would be useful as a model for other States parties. She hoped that, in the next report, the Committee could learn more about how women in the German-speaking minority were faring.

Article 5

20. Ms. CORTI commended the Belgian Government on the progress being made in combating violence against women and in improving the image of women in the mass media. She would be interested to learn how the African and North African communities had responded to the new laws in those areas. Efforts to provide feminine forms for occupational titles were commendable and could be emulated by other countries.

21. Ms. BARE inquired whether there was any difference in the way sexual harassment was dealt with in the private and public sectors, and whether legislation had helped to reduce the number of complaints.

22. Ms. CARTWRIGHT noted that lack of understanding of the dynamics of domestic violence often made such cases difficult to prosecute successfully, and wondered whether there were any training programmes on the subject for judges and court officials.

Article 6

23. Ms. JAVATE DE DIOS commended the Government of Belgium for withdrawing its reservation to the Convention, and said that she would welcome more details on the coordination of programmes for the advancement of women among the various linguistic and cultural communities. In the next report, it would be interesting to have information on the impact on men of education and awareness programmes on violence against women.

Article 10

24. Ms. OUEDRAOGO said that she would be interested to learn whether efforts were being made to re-evaluate attitudes to professions that traditionally attracted women, such as social work and nursing, and whether any campaigns were contemplated to introduce men into such areas.

Article 11

25. Ms. BARE inquired about the success of retraining programmes for the unemployed, and whether women again tended to be concentrated in low-wage areas. She asked whether there were any programmes for women who wished to be self-employed.

26. Ms. SATO asked what accounted for the fact that unemployment was significantly higher among women than men and what measures, if any, were planned to increase employment opportunities for women.

27. Ms. AYKOR observed that women accounted for a very high proportion - almost 90 per cent - of part-time workers in the reporting State. She asked whether they found it necessary to combine more than one job in order to earn sufficient income and how part-time jobs were defined. With regard to the high level of unemployment among women, she inquired whether the Government was encouraging women to start their own businesses.

28. Ms. OUEDRAOGO asked whether any studies had been undertaken to confirm the assertion that women experienced no discrimination when applying for credit. Entrepreneurial activity by women must be encouraged since successful businesswomen were valuable role models. Credit was an important avenue to achieving that success.

29. With regard to the situation of women in rural areas (article 14), the report should have contained more detailed information and statistics on questions such as the comparative incomes of men and women farmers and the right to ownership. Given the greater vulnerability of women in rural areas, where gender stereotypes were more persistent, their problems merited closer attention.

30. She asked about the attitude to single-parent families, and inquired whether the Belgian delegation could provide statistics on the divorce rate and the average age at which women married. On the subject of the sharing of domestic tasks, she asked whether there had been any positive developments in recent years.

31. The CHAIRPERSON asked to what extent perceptions of women among Belgium's immigrant groups reflected those prevalent in their country of origin. Were such traditional practices as female circumcision and polygamy still tolerated?

32. Mrs. PATERNOTTRE (Belgium) said that when drafting the report, her delegation had endeavoured to rectify the inadequacies identified by the Committee in the first periodic report and had produced as full a document as possible. In particular, they had borne in mind the criticism that the first report had not contained sufficient firm evidence of the success of equal opportunities measures. Since the report's submission in 1991, however, there had been many developments in Belgian society, and, as a result, her delegation's responses to the Committee's written questions were somewhat lengthy. They had felt it to be inappropriate to prepare a third periodic report, though that report was now due, while the second periodic report was still awaiting consideration.

33. Ms. CORTI said it was regrettable that because of time constraints there were often long delays between the submission and consideration of reports. Those States parties to the Convention who were members of the Commission on the Status of Women should urge that body to grant the Committee additional meeting time.

34. Ms. PATERNOTTRE (Belgium), responding to the question on educational programmes for immigrant women with language difficulties, said that Belgium had participated in the European Union's new opportunities for women programme aimed at providing retraining for disadvantaged women, in particular those without basic education. Many immigrant women had benefited from that programme. The federal Government was currently developing a series of information sheets designed to assist companies wishing to set up training programmes for women from those groups. In addition, the three communities had introduced their own language programmes for immigrant women.

35. Turning to the questions on Belgium's equal opportunities policy and the mechanisms for its implementation, she stated that the ministries of equal opportunities at both the federal and community level were full ministries. Admittedly, Belgium's equal opportunities mechanisms were complex, but that was inevitable given the complexity of the federal structure. Moreover, as funding for equal opportunities initiatives had increased, projects had multiplied. With regard to the suggestion that a federal body might be created to police equal opportunities policy at the community level, such a measure would be contrary to the principle of local autonomy upon which Belgian democracy was based. While Belgium's federal structure was relatively new and she was aware of the risk that women's rights might advance at uneven rates, she considered the richness and diversity of the three language communities to be a positive factor. Already, there were many examples of inter-community cooperation in the field of women's rights.

36. Her delegation had noted the Committee's comments on possible discrimination in the fields of social security and taxation. That issue was under constant scrutiny in Belgium and, to some extent, the European Union acted as a watchdog since her Government was bound to adapt its own legislation to comply with the Union's directives in those areas.

37. Responding to questions on disparities between men's and women's pay, she said her delegation recognized that the solution to that problem lay not in pushing women into non-traditional jobs but in reclassifying professions where women outnumbered men to ensure that the skills and qualifications required were reflected in the job specification and level of remuneration. In the health care sector, for example, paramedics, most of whom were men, received higher salaries than nurses, although the skills and qualifications required were the same. New job specifications were being developed in cooperation with employers and health workers' unions to rectify that disparity.

38. With regard to the issue of names, it was true that the practice of passing on a father's name to his children was discriminatory, but alternatives were under discussion. Women could keep their own family name after their marriage.

39. On the subject of abortion, she said that women requesting a termination were guaranteed anonymity since the rules of medical confidentiality prohibited doctors from disclosing a patient's name. When applying to be reimbursed for the cost of a termination, patients used a code which denoted various procedures besides abortion. Doctors were entitled to refuse to carry out an abortion on moral grounds but must do so during the first consultation to give the patient sufficient time to find another practitioner. All areas of the country now had at least one centre where abortion was practised.

40. With regard to legislative quotas, she said that one third was considered to be the threshold of effectiveness, and once that target had been reached, there would be more women in Parliament to pass legislation.

41. An interesting question had been raised on affirmative action, and in that connection, a ruling passed by the European Court of Justice in Luxembourg was worthy of note: affirmative action taken in Germany had been ruled as discriminating against men. That had sparked off a debate in the European Union on the restrictive interpretation of the ruling. It was not really applicable in Belgium, since her country did not have the same type of legislation.

42. It was too early to assess the effects of the campaign to encourage sharing of domestic tasks; she was sure that several campaigns would be needed to really effect change. However, the matter was being discussed and both men and women had responded to the campaign. She said she had no statistics on use of time, which could demonstrate the value of women's unpaid work.

43. Ms. SCHÖPP-SCHILLING said that she wished to clarify the ruling made by the European Court of Justice. A number of German states had passed legislation providing that when there were two equally qualified applicants for a job in the public sector, one being a man and the other a woman, preference should be given to the woman, in order to increase the number of women in higher positions. It had been that practice which had been declared illegal.

44. Mrs. DE WIEST (Belgium) said that the matter of working conditions and the division of labour was far from resolved. Research into working conditions had shown that stress caused 10 per cent of absences from work. Women had been shown to be 2.3 times more vulnerable than men to stress.

45. With reference to traffic in persons, she said that the existence of the problem had been recognized. The problem of prostitution was also being discussed by the media, as was that of paedophilia. There were no reliable figures, but there was heightened awareness of those problems.

46. Mrs. PATERNOTTRE (Belgium) said that the German-speaking minority had not been overlooked. That community had been represented on the Belgian delegation to Beijing, and it was also represented on the Equal Opportunities Council. Council proceedings were translated into German.

47. Speaking with regard to article 5, and with particular reference to the problem of violence in the North African community, she said that that community was targeted by a special information campaign. The same rules applied to everyone in Belgium, whatever their ethnic origin, and polygamy was illegal.

48. On the issue of sexual harassment, and the existence of two sets of decrees to cover public and private enterprise, she said that the Royal Ordinance on the private sector had provided that the working rules should be revised and submitted to the Federal Ministry of Employment and Labour. The Public Enterprise Council was responsible for decisions concerning the public sector. Despite the two sets of decrees, the principles and rules were the same.

49. With regard to justice and the problem of understanding the dynamics of family violence, she wished to refer the Committee to the next report, since it was a very time-consuming subject. Information and training was being carried out in that area, but the situation was developing. The impact of violence on the offender would also be covered in the next report.

50. Mrs. DE WIEST (Belgium), speaking on the issue of ethnic minorities, said that the French community was particularly concerned to promote measures to increase emancipation and integration of women of foreign origin, in a spirit which respected intercommunal dialogue. Belgium had traditionally received a large number of immigrants from the Maghreb, and it could not be denied that that community faced large numbers of problems. Given the high rates of illiteracy amongst women of foreign origin, courses had been specially arranged to meet their needs. A large number of friendship committees had also been set up, particularly targeting women of Algerian origin. A large number of innovative activities had been undertaken amongst young women of North African origin, in the hope that a network could be established which could resolve problems through discussion. It had not been possible to evaluate the effects of such activities as yet.

51. Mrs. PATERNOTTRE (Belgium), replying to a question on article 10, said that attitudes to various professions needed to be re-evaluated. The recent campaign to attract young people to the nursing profession had been targeted at both girls and boys.

52. Speaking on article 11, she said that people returning to work often faced difficulties. They needed increased chances of employment, and special measures should provide for the interruption of careers. There were only general, rather than specific measures to encourage women to become financially independent. With reference to the differences in unemployment between men and women, she said that women's unemployment was more structural than men's. In the sectors which were the main employers of women, there was not usually any particular career structure. Younger women were therefore in competition for employment with older women with essentially the same qualifications. That was not so much the case with men.

53. With regard to agriculture, she noted that the Committee had requested a great deal of information. Women had the same rights as men to own and inherit land, and many women in the agricultural sector were active in organizations which sought to defend their rights.

54. On questions relating to article 16, she said that 20 years earlier there had been a stigma attached to being a single parent. Currently, however, it was regarded as quite normal in all classes. Divorce was increasing; the exact figures were given in the report. Due to the demands of education and the difficultly of finding employment, both men and women were marrying later.

55. With respect to the foreign community, she said that national laws applied to all equally.

56. With regard to part-time workers, she agreed that large numbers of women came into that category. It was perfectly legal to have several part-time jobs at the same time, and all workers were equally protected by social security.

The meeting rose at 5.50 p.m.